RESOLUTION APPROVING AN EIGHTH AMENDMENT TO THE LEASE AGREEMENT WITH SKY TREK AVIATION FUELS, INC., EXTENDING THE AGREEMENT FOR 20 YEARS SET TO EXPIRE IN 2053, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE EIGHTH AMENDMENT

WHEREAS, Skytrek Aviation Fuels, Inc ("SKY TREK"), is a tenant of the City at the Modesto City-County Airport; and

WHEREAS, Sky Trek has a long-term Lease Agreement with the City, initially entered into on February 21, 1989, that will expire in 2033; and

WHEREAS, Sky Trek and the City have executed seven amendments to the Lease Agreement, by Resolution Nos. 89-910, 90-824, 92-366, 93-646, 94-49, 97-114, 1999-510; and

WHEREAS, Sky Trek, for the duration of the Lease Agreement with the City has remained in good standing; and

WHEREAS, Sky Trek and the City have agreed to amend the Lease Agreement, and

WHEREAS, Sky Trek and the City agree to extend the Lease Agreement for an additional twenty (20) years, set to expire on November 23, 2053; and

WHEREAS, Sky Trek and the City will both mutually benefit from this Eighth Amendment to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Eighth Amendment to the Lease Agreement with Sky Trek Aviation Fuels, Inc., that extends the lease agreement an additional twenty (20) years, terminating on November 23, 2053.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Eighth Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING FISCAL YEAR 2018-2019 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 Annual Operating and Capital Improvement budget as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: 

[Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

[Signature]

ADAM U. LINDGREN, City Attorney
COMMUNITY AND ECONOMIC DEVELOPMENT

A budget adjustment is needed in the Village One Community Facilities District (CFD) Fund (3200) to budget $2,500 in revenues related to refunds and damages and $75,100 in expense related to repair & maintenance, utility expense, services city forces-interfund, and legal service.

A budget adjustment is needed in the Village One #2 CFD Fund (3290) to budget $2,500 in revenues related to refunds and damages and $74,600 in expense related to repair & maintenance, utility expense, services city forces-interfund, and legal service.

A budget adjustment is necessary to recognize $242,831 of unbudgeted revenue for Project #100673 (Abatement of Public Nuisance). The increase comes from Abatement Reimbursements, Abatement Program Administrative Costs, Abatement Program Citations, Civil Penalties, Miscellaneous Revenues and Interest Revenue. The expense budget will be increased by $433,020 to match the overall revenue budget.

HUMAN RESOURCES DEPARTMENT

A budget adjustment in the amount of $1,780,658 is necessary in the Workers Compensation Fund (5320) to budget the workers compensation excess insurance revenue and increase the claim payments expense budget by the same amount.

A budget adjustment in the amount of $2,626,000 is needed to establish a transfer from the Employee Benefits Fund (5510) to the Insurance – Health Fund (5360) and increase the claim payments budget by the same amount. On April 2, 2019, via Resolution 2019-147, the Council approved the use of $2,626,000 of Employee Benefit Fund reserves to fund unpaid healthcare claims, however the required fiscal resolution was not included in the Council item to allow the transfer and increase in budget.

A budget adjustment in the amount of $250,000 is needed to increase the budget in the Employee Benefit Fund Admin (5520) to fund professional and legal services related to unbudgeted labor contract negations and Riverstone Insurance legal costs.

NON-DEPARTMENTAL

A budget adjustment is necessary to increase the revenues in the Non-Departmental cost center which is used to house the revenues associated with the major taxes received by the City of Modesto. These adjustments are ones that were presented in the mid-year adjustment report that went to Finance Committee in January and were overlooked on being taken to Council on a previous monthly adjustment. This action will correct that oversight. The revenues being adjusted are noted on the table below:
PARKS RECREATION AND NEIGHBORHOODS

A budget adjustment is necessary to establish the Tuolumne River Regional Park (TRRP) Riverwalk Trail – Gateway to Neece Drive Boat Launch Project (101164) appropriations in the amount of $150,000 within the TRRP Capital Improvement Program (CIP) Fund (6710) and a $150,000 transfer in from Parks Capital Facility Fee Fund (3460) to cover these costs. This project will fund the design, permitting, bidding and development of the Riverwalk Trail from the TRRP Gateway Parcel to the Future Neece Drive Boat Launch which will include pathways, site furnishings and habitat restoration.

PUBLIC WORKS

A budget adjustment is necessary to decrease the FY 2018-19 10th Street Joint Powers Agreement (JPA) Allocation from various City funds for the assessment that was approved by the 10th Street JPA Board on May 22, 2018. The City received confirmation that the Board Chambers Project Upgrade is complete and that their assessment is being reduced to $848,228 for the fiscal year. A budget adjustment is necessary in the amount of $105,687 to account for the reduction in the City’s assessment:

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Fund</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>0100</td>
<td>$(65,270)</td>
</tr>
<tr>
<td>HUD Administration</td>
<td>1133</td>
<td>$(821)</td>
</tr>
<tr>
<td>Capital Improvement Support</td>
<td>1300</td>
<td>$(5,722)</td>
</tr>
<tr>
<td>Surface Transportation Fund</td>
<td>1700</td>
<td>$(3,319)</td>
</tr>
<tr>
<td>Water Fund</td>
<td>4100</td>
<td>$(12,488)</td>
</tr>
<tr>
<td>Sewer Operations Fund</td>
<td>4210</td>
<td>$(4,277)</td>
</tr>
<tr>
<td>Bus Fixed Route Max Operations Fund</td>
<td>4540</td>
<td>$(3,176)</td>
</tr>
<tr>
<td>Solid Waste Fund</td>
<td>4891</td>
<td>$(2,751)</td>
</tr>
<tr>
<td>Mail Services ISF</td>
<td>5120</td>
<td>$(271)</td>
</tr>
<tr>
<td>Information Technology Fund</td>
<td>5230</td>
<td>$(6,666)</td>
</tr>
<tr>
<td>Insurance - Administration Fund</td>
<td>5310</td>
<td>$(527)</td>
</tr>
<tr>
<td>Employee Benefits Management Fund</td>
<td>5520</td>
<td>$(399)</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td></td>
<td><strong>$(105,687)</strong></td>
</tr>
</tbody>
</table>

This adjustment will also decrease the revenue and expenses in the 10th Street JPA Fund by the amounts below in the following accounts:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5810-52310-42405 (City of Modesto Contribution)</td>
<td>$(105,687)</td>
</tr>
<tr>
<td>5810-52310-53505 (Intergovernmental Services – Other)</td>
<td>$(105,687)</td>
</tr>
</tbody>
</table>
A budget adjustment in the amount of $805,072 to fund 4540-53490-53505 is necessary for the payment of pass-through Federal Transit Administration grant funds to the City’s Sub-grantee Stanislaus Regional Transit (StaRT). A budget adjustment increasing revenue account 4540-53490-42113 in the amount of $805,072 is also necessary to record the revenues reimbursed by FTA from grants CA-2017-157-00 and CA-2019-001.

The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to correct prior year transactions and to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 18-19. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Fund Name</th>
<th>Net Impact of Adjustments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1139</td>
<td>CDBG Direct Program Fleet Replacement Fund</td>
<td>($10)</td>
</tr>
<tr>
<td>1709</td>
<td>Surface Transportation Fleet Replacement Fund</td>
<td>$6,783</td>
</tr>
<tr>
<td>4109</td>
<td>Water Fleet Replacement Fund</td>
<td>($2,220)</td>
</tr>
<tr>
<td>4219</td>
<td>Wastewater Fleet Replacement Fund</td>
<td>$89,959</td>
</tr>
<tr>
<td>4899</td>
<td>Solid Waste Fleet Replacement Fund</td>
<td>$89,959</td>
</tr>
<tr>
<td>5410</td>
<td>GF Equipment Replacement Fund</td>
<td>$616,979</td>
</tr>
<tr>
<td></td>
<td><strong>Total Transfer Outs</strong></td>
<td><strong>$801,450</strong></td>
</tr>
<tr>
<td>5409</td>
<td>Transfer In – Fleet Management Fleet Replacement</td>
<td>$801,450</td>
</tr>
<tr>
<td></td>
<td><strong>Total Transfer Ins</strong></td>
<td><strong>$801,450</strong></td>
</tr>
</tbody>
</table>

A budget adjustment is necessary to correct the transfer from Community Development Block Grant (CDBG) Direct Program Fleet Replacement Fund 1139 to Fleet Replacement Fund 5409 by decreasing the amount by $10 for purchase made in FY16/17: (1) Mid-size Sedan.

A budget adjustment is necessary to establish a transfer in the amount of $6,783 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY 18/19: (1) Walk Behind Roller.

A budget adjustment is necessary to correct the transfer from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 by decreasing the amount by $2,220 for purchase made in FY17/18: (1) ¾ Ton Extended Cab Utility Truck.

A budget adjustment is necessary to establish a transfer in the amount of $89,959 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY 18/19: (1) Loader with Claw Attachment.

A budget adjustment is necessary to establish a transfer in the amount of $89,959 from Solid Waste Fleet Replacement Fund 4899 to Fleet Replacement Fund 5409 for purchases made in FY 18/19: (1) Loader with Claw Attachment.
A budget adjustment is necessary to establish a transfer in the amount of $616,979 from General Fund (GF) Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY16/17, FY17/18, and FY18/19: (10) Investigation Sedan, (8) Patrol Sedan, (2) SUV, (1) Patrol K9 Sedan, (1) Sargent Sedan, (1) Patrol Slick Top Sedan, (1) TPU Patrol Sedan, (1) Hybrid Gas/Electric Sedan, (1) Small/Medium Sedan, (1) Investigation Van, (1) Seven Passenger Van, and (1) Mid-Size ½ Ton Truck.

A budget adjustment is necessary to recognize $150,000 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants – Streets CIP Projects Fund, Fund 3160, to the Upgrade Traffic Signals – 2019 Capital Improvement Project, #101186, and reallocate funding to Engineering/Design/Administration expense task as approved by Caltrans per the E-76.

A budget adjustment is necessary to recognize $150,000 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants – Streets CIP Projects Fund, Fund 3160, to the Upgrade ATMS – 2019 Capital Improvement Project, #101192, and reallocate funding to Engineering/Design/Administration expense task as approved by Caltrans per the E-76.

UTILITIES

A budget adjustment is necessary to establish the Arc-Flush Study project (101189) appropriations in the amount of $200,000 from the Wastewater Reserves (Fund 4210). This project will identify and address safety requirement at wastewater lift stations citywide.
RESOLUTION APPROVING UPDATES TO THE CHANGE ORDER APPROVAL POLICY FOR THE CITY OF MODESTO CAPITAL IMPROVEMENT PROJECTS (CIP)

WHEREAS, on July 19, 1994 under Resolution 94-443, City Council approved establishing a Change Order approval policy for the City of Modesto Capital Improvement Construction projects, and

WHEREAS, this written policy provided clear and defined guidelines within the Public Works and Transportation Department to issue contract change orders consistent with the City’s construction principles and practices with maintaining Council controls over the budgetary concerns, and

WHEREAS, the policy revisions includes defining the department authorized to approve the change orders and added delegation authority for management positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a policy revision entitled “Change Order Approval Policy,” a copy of which is attached here to marked 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 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL:

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
SUBJECT: Change Order Approval Policy

PURPOSE:
Providing a written policy establishing clear guidelines within which the Utilities Departments can issue Contract Change Orders on Capital Improvement Projects (CIP) and/or Public Works Projects.* The policy is consistent with current-day construction principles and practices while maintaining Council control over budgetary concerns.

BACKGROUND:
Each Construction Contract includes language which provides the Director of Utilities with the authority to execute Change Orders during the course of construction. In the opinion of the City Attorney’s Office, this language appears to delegate complete and unlimited authority to the Director. By approval of this policy, the Council also provides that authority.

POLICY:
The Director of Utilities are authorized to issue changes in construction contracts via written change orders within the limitations established below after determining that the change order is within the original project scope, both reasonable and necessary and that funds are available in the approved Capital Improvement Program budget.

1. For contracts originally awarded for a cost of less than $250,000, the Director has the authority to issue change orders for an increase in contract price of up to $25,000, provided that the sum of all such change orders for any single contract does not exceed $25,000.

2. For contracts originally awarded for a cost of at least $250,000, but less than $1,000,000, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed ten percent (10%) of the original contract price.

3. For contracts originally awarded for a cost of at least $1,000,000, but less than $10,000,000, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed eight percent (8%) of the original contract price.

4. For contracts originally awarded for a price of $10,000,000 or more, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed six percent (6%) of the original contract price.
5. Any individual change order in excess of $20,000 will require the approval of both the Director and the City Manager.

6. Any individual change order up to $5,000 will require the approval of the Senior Civil Engineer over Construction Administration Division.

7. Any individual change order up to $20,000 will require the approval of the Engineering Division Manager.

8. Variance from the above limitations may be requested at the time of bid award for unusual situations, including, but not limited to contracts for building renovations. In addition, variances may be requested in response to unforeseen conditions which may arise in the field.

9. Notwithstanding the above limitations, if in the Director's discretion it becomes necessary to issue a change order in order to:
   - Prevent the interruption of work which has the potential to result in a substantial increase in cost to the City; or
   - Protect the work, equipment, or materials to be used in the work, human safety, or the environment at or near the site of the work, from substantial and immediate danger or injury; or
   - Protect, where damage or injury has occurred, the work, equipment, or materials to be used in the work, human safety, or the environment, at or near the site of the work from further damage, injury or deterioration caused by man, nature or other sources;

The Director shall have the authority to issue change orders in such sums as may reasonably be necessary for such purposes; provided, however, in the event any such action exceeds the specific authority set forth in the above, the Director shall report to the City Council regarding any such action as soon as it is reasonably possible, but no later than thirty (30) days subsequent. If said change orders will require an adjustment to the approved budget for the project, prior approval shall be obtained based on the appropriate budget approval authority.

* Capital Improvement Projects (CIP): A capital improvement project provides for the construction, repair, or improvement of buildings or grounds. This includes new construction, additions, renovations, renewals, repairs, site development, utility services, extensions and plant improvements, parking facilities, roads, traffic, fixed equipment installation and similar projects. Capitalization begins with a minimum project budget of $50,000.

*Public Works projects: A Public Works project provides for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds and streets (exclusive of projects for resurfacing, maintenance and repair of streets, or any park or parks playground project).

Directive requires City Council Approval.

Original Council approval – Resolution 94-443.
RESOLUTION APPROVING THE FISCAL YEAR 2017-2018 AUDITOR’S REPORT ON COMPLIANCE OF THE MEASURE L: LOCAL ROADS FIRST TRANSPORTATION FUNDING MEASURE

WHEREAS, in November of 2016 the voters of Stanislaus County approved the county wide, 25-year, half-cent sales tax increase for the Local Roads First Transportation Funding Measure, known as Measure L. As part of the safe guards built into the expenditure plan an annual independent audit and annual reporting must be completed, and

WHEREAS, on December 12, 2017, per resolution 2017-505, Council approved the Measure L master funding agreement with the Stanislaus Council of Governments (StanCOG) which requires an annual independent audit of all of recipients Measure L accounts which audit shall be conducted at recipients sole cost and expense, and

WHEREAS, for the audit related to FY 2017-2018 the City received information from StanCOG that they would be conducting the annual audit and that it would be at the expense of StanCOG as part of the 1% allowable administrative expenses within the Measure L ordinance, and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc., was selected by StanCOG to conduct the Fiscal Year 2017-2018 audit report, and

WHEREAS, as part of the City’s Fiscal Year 2017-2018 Measure L Program Audit, the accounting firm verified the revenues and expenditures, fund balances, and that the Maintenance of Effort requirement was met, and

WHEREAS, Hudson Henderson & Company, Inc. issued the final independent auditor’s report of the Measure L program for the fiscal year ending in June 30, 2018. In
addition, the firm issued a letter to the Policy Board of Stanislaus Council of
Governments with the final report. Both the final report and the letter to StanCOG did not
have any findings for the year ending June 30, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto
that it hereby accepts the Fiscal Year 2017-2018 Auditor's Report on Compliance of the
Measure L: Local Roads First Transportation Funding Measure.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 9th day of July, 2019, by Councilmember Ridenour, who
moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING PURCHASE AGREEMENTS WITH VARIOUS VENDORS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED ANNUAL PURCHASE AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL

WHEREAS, City staff continues to review and monitor over 1,000 purchasing items and identify the best and most efficient way to procure the needs of the City, and

WHEREAS, City staff has continued to work diligently in monitoring all purchasing agreements and implementing recommendations to establish improvements with the City’s purchasing controls, and

WHEREAS, the Finance Department has implemented monthly purchasing training to educate City Staff about the standards which govern the City’s purchases, including the City’s Charter, Municipal Code, and the implementation of Administrative Directive 7.5 Purchasing Policy, and

WHEREAS, the Finance Department continues to work with departments to address the on-going procurement needs of the City and strategizing the best solution to ensure a new agreement can be approved by the time the existing 24/7 annual purchasing agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in Attachment A – Purchasing Agreement Extension Dates), and
WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreements with various vendors as attached and term dates for the services stated herein.

BE IT FURTHER RESOLVED, the Purchasing Manager, or her designee, is hereby authorized to issue the identified Annual Purchase Agreements terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
## Attachment A - Purchasing Agreement Extension Dates

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Supplier</th>
<th>Agreement Amount</th>
<th>Original Term Date</th>
<th>Revised Term Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Annual Agreement - Rock Sand and Gravel - Reso. 2014-352 - RFB 1314-41</td>
<td>WEST COAST SAND &amp; GRAVEL INC</td>
<td>$2,637,070</td>
<td>8-Sep-19</td>
<td>31-Dec-19</td>
</tr>
<tr>
<td>2</td>
<td>Annual Agreement For City Wide Document Storage/Records</td>
<td>PACIFIC STORAGE COMPANY</td>
<td>$681,239</td>
<td>31-Dec-18</td>
<td>31-Mar-20</td>
</tr>
<tr>
<td>4</td>
<td>Annual Agreement - Bulk Fuel - Reso #2014-306 - RFB #1314-35</td>
<td>SC FUELS</td>
<td>$8,824,375</td>
<td>5-Aug-19</td>
<td>29-Feb-20</td>
</tr>
<tr>
<td>5</td>
<td>Annual Agreement - Bulk Oil/Lubricants - Reso #2014-306 - RFB #1314-35</td>
<td>E R VINE &amp; SONS INC</td>
<td>$725,500</td>
<td>5-Aug-19</td>
<td>31-Dec-19</td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING THE PURCHASE OF TWO ARTICULATING LOADERS WITH CLAW BUCKET WITH SPECIFIC CONFIGURATIONS TO VOLVO CONSTRUCTION EQUIPMENT AND SERVICES, TURLOCK, CA FOR A TOTAL AMOUNT NOT TO EXCEED $188,041, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the two articulating loaders with claw bucket will be used by the Forestry Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments; and

WHEREAS, on March 20, 2019 the Purchasing Division issued RFB 1819-53 for the purchase of two articulating loader with claw bucket flatbeds with specific configurations on the City’s website; and

WHEREAS, on April 30, 2019 bids were formally opened in the City Clerk’s Office; and

WHEREAS, fourteen companies downloaded the RFB, four companies chose to respond, one was the lowest responsive and responsible bidder; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding the purchase of two articulating loader with claw bucket flatbeds with specific configurations to Volvo Construction Equipment and Services, Turlock, CA; and

WHEREAS, sufficient funds for two articulating loaders with claw bucket flatbeds have been encumbered in the Fleet Replacement Fund 5409; and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000, for material, equipment or contractual services to be formally bid; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two articulating loaders with claw bucket flatbeds with specific configurations to Volvo Construction Equipment and Services, Turlock, Ca which conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of two articulating loader with claw bucket flatbeds with specific configurations to Volvo Construction Equipment and Services, Turlock, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for an estimated total amount of $188,041.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PURCHASE OF ONE DUMP TRUCK 6-7 YARDS WITH SPECIFIC CONFIGURATIONS TO INTERSTATE TRUCK CENTER, STOCKTON, CA FOR A TOTAL AMOUNT NOT TO EXCEED $109,048, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the dump truck will be used by the Water Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various department; and

WHEREAS, on March 19, 2019 the Purchasing Division issued RFB 1819-52 for the purchase of one dump truck 6-7 yard with specific configurations on the City’s website; and

WHEREAS, on April 30, 2019 bids were formally opened in the City Clerk’s office; and

WHEREAS, twenty-three companies downloaded the RFB, one was the lowest responsive and responsible bidder; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding the purchase of one dump truck 6-7 yard with specific configurations to Interstate Truck Center, Stockton CA; and

WHEREAS, sufficient funds for one dump truck 6-7 yard with specific configurations have been encumbered in the Fleet Replacement Fund 5409, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and
WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the aware of bid for the purchase of one dump truck 6-7 yard with specific configurations to Interstate Truck Center, Stockton, CA which conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of one dump truck 6-7 yards with specific configurations to Interstate Truck Center, Stockton, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for an estimated total of $109,048.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR STREET SWEEPING SERVICES ON AN AS-NEEDED BASIS TO ADVANCED BUILDING CLEANERS, INC., MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $75,000, AND A TOTAL AMOUNT NOT TO EXCEED $375,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Public Works Streets Division is in their third full year of an ongoing Pavement Preservation Program, and

WHEREAS, this program applies a type II surface treatment which is a preventative maintenance seal coat comprised of ½” aggregate, oil, water, and cement to the roadway surface. Part of this process, which is performed by a private contractor, is to ensure the street is clean of all debris prior to the surface treatment and is swept again after the treatment has been applied, and

WHEREAS, in January 2016, the City conducted an informal bid process for the furnishing of Street Sweeping services, and

WHEREAS, on October 2, 2018 bids were formally opened in the City Clerk’s office, and

WHEREAS, one Company Environmental Systems, Modesto, CA chose to respond, and

WHEREAS, the Purchasing Division planned to award the bid to Environmental Systems but Environmental Systems ultimately declined the award in mid-April because equipment required to perform the work was not operational, and
WHEREAS, April 2019, the Purchasing Division compiled a list of 15 local vendors and invited them all to bid on the street sweeping work; only received one responsive bid was received which was submitted by Advance Building Cleaners, Inc., and

WHEREAS, staff recommends the award of bid for the “as-needed Street Sweeping Services” to Advance Building Cleaners, Inc., Modesto, CA for an annual cost not to exceed $75,000, not to exceed $375,000 over a five year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, exceptions to the formal bidding process are granted in MMC 8-3.204 (d) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with desired quality”; in addition, MMC 8-3.204 (e) states “Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances”, and

WHEREAS, an award of bid for the purchase of as-needed sweeping services from Advance Building Cleaners, Inc. conforms to the Modesto Municipal Code because the Purchasing Division complied with the formal bid procedures due to soliciting several bids and these services are essential for the upcoming street pavement program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for Street Sweeping services on an as-needed basis to Advanced Building Cleaners, Inc., Modesto, CA, for a one-year
agreement with four one-year extension options, for an annual estimated cost not to exceed $75,000, and a total amount not to exceed $375,000 over five years.

BE IT FURTHER RESOLVED, the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A THREE-YEAR AGREEMENT WITH KIDZ LOVE SOCCER TO PROVIDE SOCCER CLASSES TO AREA YOUTH ENDING JUNE 30, 2022, WITH AN AGREEMENT TO SPLIT GROSS REGISTRATION PROGRAM REVENUE BETWEEN THE CITY AND KLS AT 30/70% AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto entered into an agreement with Kidz Love Soccer in September of 2008 for the purpose of providing soccer camps and training sessions for community youth; and

WHEREAS, on January 23, 2018, by Resolution No. 2018-53, Council established an end date to this original contract and approved a subsequent nine month agreement with Kidz Love Soccer to continue providing programming through the end of June 2019; and

WHEREAS, the City has identified the community demand for an increase to the level of programming offered to the community; and

WHEREAS, the City and Kidz Love Soccer desire to continue working together to serve the community; and

WHEREAS, the terms of the new agreement will include an increase to the percentage compensation received by the City from 25% to 30%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a three-year agreement with Kidz Love Soccer to provide soccer classes to area youth ending June 30, 2022, with an agreement to split gross registration program revenue between the City and KLS at 30/70%.
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Agreement as approved to form by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE CÉSAR E. CHAVEZ PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation required the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL HEREBY:
APPROVES THE FILING OF AN APPLICATION FOR THE CÉSAR E. CHAVEZ PARK RENOVATION; AND

1) Certifies that said Applicant had or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2) Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and
3) Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4) Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5) Agrees to comply with all applicable federal, state, and local laws, ordinance, rules, regulations and guidelines; and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE MELLIS PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation required the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL HEREBY:

APPROVES THE FILING OF AN APPLICATION FOR THE MELLIS PARK RENOVATION; AND

1) Certifies that said Applicant had or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2) Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and
3) Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4) Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5) Agrees to comply with all applicable federal, state, and local laws, ordinance, rules, regulations and guidelines; and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE MANCINI PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation required the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL HEREBY:

APPROVES THE FILING OF AN APPLICATION FOR THE MANCINI PARK RENOVATION; AND

1) Certifies that said Applicant had or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2) Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and
3) Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4) Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5) Agrees to comply with all applicable federal, state, and local laws, ordinance, rules, regulations and guidelines; and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE TRANSPORTATION DEVELOPMENT ACT TRIENNIAL PERFORMANCE AUDIT CONDUCTED BY THE STANISLAUS COUNCIL OF GOVERNMENTS FOR TRANSIT OPERATIONS AND CAPITAL EXPENSES

WHEREAS, the Transportation Development Act (TDA) of 1971 is a funding mechanism administered by the California Department of Transportation (Caltrans) through Regional Transportation Planning Agencies (RTPA), and

WHEREAS, in Stanislaus County, the RTPA is Stanislaus Council of Governments (StanCOG), and

WHEREAS, as the RTPA, StanCOG programs and administers TDA funds to the local jurisdictions for transit and non-transit projects, and

WHEREAS, TDA funds are expended for StanCOG administration and planning of public transportation, distributed to local jurisdictions for operations of public transit systems, non-motorized projects, and streets and roads, and

WHEREAS, the Public Utilities Commission (PUC) requires all recipients of TDA funding to complete an independent audit on a three-year cycle in order to maintain TDA funding eligibility, and

WHEREAS, each transit operator in the County, including the City, is also subject to these triennial independent audits, and

WHEREAS, in 2018, StanCOG selected Moore & Associates, Inc., to prepare Triennial Performance Audits of itself as the RTPA and the four transit operators to which it allocates TDA funding, and
WHEREAS, the TDA audit report summarizes key findings and recommendations developed during the TPA of the City’s public transit program for the period Fiscal Year (FY) 2015/16 through FY 2017/18, and

WHEREAS, based on discussions with City staff, analysis of program performance, and an audit of program compliance and function, the audit team presented no compliance findings, and

WHEREAS, Moore & Associates identified one functional finding, that the City should revise the current Short Range Transit Plan, with a more comprehensive document that contemplates a five to ten year planning horizon. The recommendation is addressed in the City’s FY19/20 work plan. While the finding does not affect TDA compliance, it is significant enough to be addressed within this audit.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepting the Transportation Development Act Triennial Performance Audit conducted by the Stanislaus Council of Governments for transit operations and capital expenses.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A 10-YEAR LICENSE AGREEMENT WITH MAD MONK HOLDINGS, BERKELEY, CA, FOR THE USE OF PARKING SPACES FOR THE MODESTO AREA EXPRESS PARK AND RIDE LOT AT 2800 SISK ROAD FOR A TOTAL AMOUNT OF $6,000 IN THE INITIAL YEAR, AND A TOTAL NOT TO EXCEED $63,000 FOR THE TERM OF THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has used the parking spaces it currently occupies at the former Orchard Supply Hardware (OSH) store at 2800 Sisk Road since 2004 when the City entered into the original agreement, and

WHEREAS, the parking lot is used for a Park and Ride lot for people using the Modesto Area Express (MAX) commuter bus to the Bay Area Rapid Transit (BART) station in Pleasanton, and

WHEREAS, the parking lot provides a lighted, convenient and well-maintained location for people to park their vehicles for the day, and

WHEREAS, the City entered into a 10-year agreement with OSH in 2018 to continue using the parking lot for commuter services. However, later in 2018 the OSH store was closed. The parking lot has been continuously used after the OSH store closed until present day, and

WHEREAS, the new owner of the property is willing to enter into a similar agreement with the City to provide the same services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 10-year license agreement with Mad Monk Holdings, Berkeley, CA, for the use of parking spaces for the Modesto Area Express Park and Ride lot at
2800 Sisk Road for a total amount of $6,000 in the initial year, and a total not to exceed $63,000 for the term of the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH TOKEN TRANSIT, SAN FRANCISCO, CA, TO INSTALL AUTOMATIC MOBILE TICKET VALIDATORS ON BUSES FOR MOBILE TICKETING SERVICES APP USED BY MODESTO AREA EXPRESS BY $144,769 FROM $178,000 TO A NEW TOTAL AMOUNT OF $322,769, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City’s fixed route transit system currently uses cash, magnetic striped fare cards, and the visually validated Token Transit mobile ticketing application for fare payment to allow bus riders to pay for rides on Modesto Area Express (MAX), and

WHEREAS, Token Transit has developed technology to validate the Token Transit mobile ticket with hardware on the bus, and

WHEREAS, the new validators will automatically confirm the validity of a Token Transit mobile ticket, and

WHEREAS, the driver will no longer be required to visually validate the mobile ticket or record the ride, and

WHEREAS, mobile ticketing services were formally bid in a Request for Proposals in 2018, with Token Transit being the successful proposer, and

WHEREAS, the validators were not available at the time of the proposal, but were discussed as a future add-on option during the demonstration interviews, and

WHEREAS, an amendment to agreement is required to add this new functionality to the MAX system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the agreement amount with Token Transit, Inc., for the installation of automatic mobile ticket validators on Modesto Area Express (MAX) buses, increasing the agreement amount from $178,000 to a new total amount of $322,769.
Token Transit, San Francisco, CA, to install automatic mobile ticket validators on buses for mobile ticketing services app used by Modesto Area Express by $144,769 from $178,000 to a new total amount of $322,769.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE IMPLEMENTATION OF CHANGES TO THE MODESTO AREA DIAL-A-RIDE SYSTEM ALLOWING MAINTENANCE AND OPERATIONS TO BE PERFORMED AT THE BUS MAINTENANCE FACILITY

WHEREAS, Modesto Area Dial-A-Ride (MADAR) is the City of Modesto’s shared ride public transportation service for qualified persons with disabilities and senior citizens of age 65 and older, and

WHEREAS, MADAR is currently operated as a turnkey operation, where the Contractor provides everything including a facility, vans, maintenance, dispatching software and personnel, and

WHEREAS, the Transit Division proposes to use the existing Bus Maintenance Facility, purchase the vans and provide maintenance by existing City staff, and

WHEREAS, by using City owned assets and maintenance, there would be savings in a new contract, and

WHEREAS, the savings primarily come from reduced maintenance, facility and fuel costs which will provide a more efficient use of funding for the program.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the implementation of changes to the Modesto Area Dial-A-Ride system allowing the City to purchase vans, purchase a Computer Aided Dispatch software, conduct vehicle maintenance and provide Contractor space at the Bus Maintenance Facility.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FIVE-YEAR LEASE WITH THE OPTION OF A FIVE YEAR EXTENSION LEASE AGREEMENT WITH CIVIL AIR PATROL (CAP) AS A NON PROFIT SERVICE PROVIDER AT THE MODESTO CITY-COUNTY AIRPORT (MOD), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Airport Building No. 2, is one of the older building facilities at the Modesto City-County Airport, and

WHEREAS, Civil Air Patrol (CAP) seeks to lease all of Airport Building No. 2 for use for their cadet program, and

WHEREAS, CAP has presented a lease stipulation where a rent reduction of 50% would be in effect throughout the duration of the lease, and

WHEREAS, the lease agreement is expected to provide revenues of approximately $2,970 annually in rents to the Airport Enterprise Fund Account No. 4310-53312-43887, and

WHEREAS, CAP will be responsible for stipulated tenant improvements as defined in the lease agreement, and

WHEREAS, CAP agrees that if the lease is terminated prior to the end of the period, any and all in-kind and donated improvements would be forfeited and become the property of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Airport Lease Agreement for the use of Building No. 2 with the option of a five year extension between the City of Modesto and Civil Air Patrol, a non-profit service provider, authorizing the City Manager, or his designee, to execute the agreement.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-341

RESOLUTION REJECTING ALL BIDS FOR THE 9TH STREET STORM DRAIN BASIN PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, proposed 9th Street Storm Drain Basin is located north of the Kansas-Needham overpass, and

WHEREAS, the storm drain basin is designed to alleviate flooding during the rainy seasons along 9th Street and the surrounding tributary area, and

WHEREAS, the project was advertised for bids on May 8, and bids were publicly opened on June 4, 2019, pursuant to City Charter Section 1307, and

WHEREAS, three bids were received which were above the engineer’s estimate, and

WHEREAS, sufficient funding to cover the project at the lowest bid cost is not available in the Storm Drain Fund, and

WHEREAS, staff recommends rejecting all bids received and re-advertising the project for bids at a later date with a reduced scope.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for the 9th Street Storm Drain Basin Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for bids at a future date with an amended scope of work.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE MODESTO FIRE DEPARTMENT ASSISTANCE TO FIREFIGHTERS GRANT EXHAUST SYSTEMS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH BENZ AIR ENGINEERING INC., BEAVERTON, OR, IN THE AMOUNT OF $128,080 PLUS $19,212 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF $147,292 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, specifications have been prepared for the Modesto Fire Department (MFD) Assistance to Firefighters Grant (AFG) Exhaust Systems Project, and

WHEREAS, on May 14, 2019 staff received one bid that was responsible and responsive, from Benz Air Engineering Inc., and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the MFD AFG Exhaust Systems Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $128,080 received from Benz Air Engineering Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Benz Air Engineering Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project and accepts the bid of $128,080 plus $19,212 for contingency (if needed) for a total amount of $147,292 and Awards
Benz Air Engineering Inc., of Beaverton, OR, the contract for the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE MODESTO FIRE DEPARTMENT ASSISTANCE TO FIREFIGHTERS GRANT EXHAUST SYSTEMS PROJECT FROM 10% ($12,808) TO 15% ($19,212) OF THE CONSTRUCTION CONTRACT PRICE OF $128,080 WITH BENZ AIR ENGINEERING INC., BEAVERTON, OR

WHEREAS, the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project will provide new exhaust systems for the Fire Department vehicles in five different fire stations throughout the City, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the City’s “Change Order Approval Policy”, enacted by Council Resolution No. 94-443 on July 19, 1994, established a contract change order budget of 10% for projects up to $1 Million, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 15% ($19,212) due to the construction within five different fire stations, which presents unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Modesto Fire Department (MFD) Assistance to Firefighters Grant (AFG) Exhaust Systems Project from 10 percent ($12,808) to 15 percent ($19,212) of the construction contract price of $128,080 with Benz Air Engineering Inc., Beaverton, OR.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PURCHASING AGREEMENT FOR THE FURNISHING OF HOT PATCH WORK WITH PATCH CREW, MODESTO, CA, FOR AN ANNUAL ESTIMATED COST NOT TO EXCEED $400,000 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE AGREEMENT, AND AUTHORIZE THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO ADJUST THE FINANCIAL AMOUNTS BETWEEN THE TWO PROVIDERS (UNITED PAVEMENT AND PATCH CREW) WITHOUT EXCEEDING THE ANNUAL ESTIMATED COST OF $4,306,500

WHEREAS, the Utilities Department’s Water and Wastewater Divisions request contractual assistance to perform hot patch work throughout Modesto and the outlying areas included in the City’s regional water systems; and

WHEREAS, on May 22, 2018, by Resolution 2018-188, Council approved the award of bids for the furnishing of hot patch work to Garrett Thompson Construction, Inc., Modesto, CA, for an annual cost not to exceed $4,106,500; and United Pavement Maintenance, Hughson, CA, for an annual cost not to exceed $200,000, for two-year agreements with three one-year extension options; the annual combined total costs of the contract were not to exceed $4,306,500, and approval of any of the one year extensions would require approval by Council; and

WHEREAS, upon review of the insurance certification for the hot patch contractors, it was discovered that the insurance had expired on February 28, 2019 for the primary contractor, Garrett Thompson; and

WHEREAS, the delay in proof of insurance coverage, coupled with a coverage gap and the performance of work without proper insurance led to the City’s decision to terminate the contract with Garrett Thompson and immediately engage the secondary provider; and
WHEREAS, with United Pavement becoming the primary vendor, it was important to identify and secure a backup provider to avoid service interruptions, the Purchasing Division reached out to all contractors who participated at the bid conference on January 18, 2018 to solicit bids for Hot Patch work; and

WHEREAS, one contractor, Patch Crew responded with a reasonable bid and is being recommended as the new secondary contractor; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.204(c), the Purchasing Manager has the authority to recognize the department’s current situation as an exigent circumstance; based on the need for availability of a secondary vendor, the Purchasing Manager, within the scope of this authority, recommends staff be allowed to transfer amounts between both contractors in accordance with MMC Section 8-3.204(c) ensuring hot patch services continue and needed work is not significantly delayed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a Purchasing Agreement for the furnishing of hot patch work with Patch Crew, Modesto, CA, for an annual estimated cost not to exceed $400,000.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to adjust financial amounts between two providers (United Pavement and Patch Crew) without exceeding the annual estimated cost of $4,306,500.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL (R-2) PROPERTIES LOCATED AT 1215 AND 1225 W. ROSEBURG AVENUE

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, Ly Nguyen has proposed an amendment to Section 20-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) to Medium Density Residential (R-2) properties located at 1215 and 1225 W. Roseburg Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2019-011 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on June 19, 2019, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 9, 2019, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2019-11
Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2019-11

For the proposed:

Rezone of 1215 and 1225 W. Roseburg Avenue from Low Density Residential (R-1) to Medium Density Residential (R-2)

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

April 15, 2019
City of Modesto  
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report (“Master EIR”). This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether the Roseburg Residential Rezone is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: Roseburg Residential Rezone

B. Address or Location: 1215 and 1225 W. Roseburg Avenue

C. Applicant: Ly Nguyen

D. City Contact Person:

   Project Manager: Jonnie Lan, AICP
   Department: Community and Economic Development Department, Planning Division
   Phone Number: 209.577.5267
   E-mail address: jlan@modestogov.com

E. Current General Plan Designation(s): Residential (R)

F. Current Zoning Classification(s): Low Density Residential (R-1)

G. Surrounding Land Uses:
   - North: Low Density Residential (R-1)
   - South: Planned Development (118) (Medium Density Residential)
   - East: Medium Density Residential (R-2)
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Rezone two parcels for a total of 1.45 acres from Low Density Residential (R-1) to Medium Density Residential (R-2). There is an application that has been submitted for the larger of the two properties (1215 W. Roseburg Avenue). The applicant proposes to develop the 1.21 acre site into a 14 unit multi-family residential project. Under the City of Modesto R-2 requirements, this property could be allowed 13 to 17 dwelling units on 1.21 acres. The property at 1225 W. Roseburg Avenue is being rezoned to Medium Density Residential to maintain a consistent land use pattern.

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)
1. **X** **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Master EIR allows projects to be found within the scope of the Master EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any “No” response must be discussed.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
<td>☑</td>
</tr>
<tr>
<td>(2)</td>
<td>City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as &quot;mitigating policies&quot; attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR’s mitigating policies only.</td>
<td>☑</td>
</tr>
<tr>
<td>(3)</td>
<td>Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).</td>
<td>☑</td>
</tr>
<tr>
<td>(4)</td>
<td>No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.</td>
<td>☑</td>
</tr>
<tr>
<td>(5)</td>
<td>The project will occur within the boundaries of the City’s planning area as established in the Urban Area General Plan.</td>
<td>☑</td>
</tr>
<tr>
<td>(6)</td>
<td>Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.</td>
<td>☑</td>
</tr>
</tbody>
</table>

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any “no” response must be explained.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.</td>
<td>☑</td>
</tr>
<tr>
<td>(2)</td>
<td>The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:</td>
<td>☑</td>
</tr>
<tr>
<td>(a)</td>
<td>No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;</td>
<td>☑</td>
</tr>
<tr>
<td>(b)</td>
<td>No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,</td>
<td>☑</td>
</tr>
<tr>
<td>(c)</td>
<td>Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.</td>
<td>☑</td>
</tr>
</tbody>
</table>
Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

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

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

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

IV. ENVIRONMENTAL ANALYSIS

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

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City’s obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

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

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto’s significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG’s Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

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

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

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

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:
The appropriate mitigating policies to be applied to this project are included in the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects
Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

**Significance Criteria:** A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

<table>
<thead>
<tr>
<th>1. TRAFFIC AND CIRCULATION</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>3) The proposed project would 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.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>6) The proposed project would result in projected Level of Service “D” or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project is a rezone of two parcels totaling 1.45 acres. It will have no effect on the circulation system. The project will not increase vehicle trips above what is assumed in the adopted Master EIR.

(2) The proposed project will have no effect on the level of service standard established by the county congestion management.

(3) The proposed project will have no effect on air traffic patterns.

(4) The proposed project will not increase circulation hazards due to design or incompatible uses or have no effect on emergency access above what is assumed in the adopted Master EIR. It is a rezone of the two properties that is in line with the zoning of adjacent properties.

(5) The proposed project will have no effect on alternative transportation policies.

(6) The proposed project will have no effect on Level of Service.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NOx), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM$_{10}$) and 2.5 microns or less in diameter (PM$_{2.5}$) (see Master EIR page V-2-31, “2. Significant Direct Impacts”).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NOx, PM$_{10}$, and PM$_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”
Discussion:
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would result in a 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 that exceed quantitative thresholds for ozone precursors).</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project will have no effect on Urban Area General Plan air quality and greenhouse gas policies.

(2) The proposed project will not conflict with any air quality plan.

(3) The proposed project will not violate any air quality standard or contribute substantially to an existing or projected violation.

(4) The proposed project will have no increase of any criteria pollutant effect on Urban Area General Plan air quality and greenhouse gas policies.

(5) The proposed project will have no effect on sensitive receptors.

(6) The proposed project will not result in the creation of objectionable odors.

(7) The proposed project will not generate greenhouse gas emissions above what is assumed in the adopted Master EIR.

(8) The proposed project will not conflict with a plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gasses.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.
**Effect:** Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

**Effect:** Demolition and construction activities may expose people to excessive vibration levels.

### Cumulative Impacts

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

### b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

**Discussion:**
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. NOISE AND VIBRATION</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>2) The proposed project would generate excessive ground-borne noise and/or vibration levels.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
</tbody>
</table>
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.

5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.

6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.

7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.

Discussion:

(1) The proposed project will have no effect on Urban Area General Plan noise and vibration policies.

(2) The proposed project will not generate excessive permanent noise or vibration levels. Construction of the new units on 1215 W. Roseburg Avenue, will generate a temporary amount of noise and vibration. The Master EIR contains mitigation measures to minimize the impacts so that they are less than significant.

(3-4) The proposed project will not generate any noticeable increase in ambient noise levels above what is assumed in the adopted Master EIR.

(5-6) The proposed project is not close to a public airport or private airstrip.

(7) The proposed project is not within 200 feet of active rail lines.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts
Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project.”

Discussion:
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.8 of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

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

<table>
<thead>
<tr>
<th>4. EFFECTS ON AGRICULTURAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would conflict with existing</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Impact Description</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant Impact w/ Mitigating Policies</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>zoning for agricultural use, or with a Williamson Act contract.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.</td>
<td>✗</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.</td>
<td>✗</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.</td>
<td>✗</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on Urban Area General Plan agricultural resources policies.

(2) The proposed project will not convert any farmland. The site is infill surrounded by residential development.

(3) The proposed project will have no effect on any agricultural use or Williamson Act contract.

(4-5) The proposed project will have no effect on any forest land or timberland.

(6) The proposed project will have no effect on farmland or forest land.

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

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

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

**Direct Impacts**

**Effect:** Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

**Effect:** Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

**Effect:** Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

**Cumulative Impacts**
**Effect:** Groundwater withdrawals from both subbasins by the City, when combined with other users’ withdrawals, may result in overdrafting.

**Effect:** Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

### b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

**Discussion:**
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.</td>
<td></td>
<td></td>
<td></td>
<td>![x]</td>
</tr>
<tr>
<td>2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.</td>
<td></td>
<td></td>
<td>![x]</td>
<td></td>
</tr>
<tr>
<td>3) The proposed project would require or result in the construction of new water 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>4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.</td>
<td></td>
<td></td>
<td>![x]</td>
<td></td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project will have no effect on the water supply policies.

(2) The proposed project will have no effect on groundwater supply above what is assumed in the adopted Master EIR.

(3-4) The proposed project will have no effect on water demand above what is assumed in the adopted Master EIR.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider’s existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under “direct Impacts,” above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

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

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

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>x</td>
</tr>
<tr>
<td>2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>x</td>
</tr>
<tr>
<td>3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>x</td>
</tr>
</tbody>
</table>

**Discussion:**

1) The proposed project will have no effect on the wastewater policies.

2) The proposed project will have no effect on sewage flows and no effect on wastewater facilities above what is assumed in the adopted Master EIR.

3) The proposed project will have no effect on wastewater capacity above what is assumed in the adopted Master EIR.

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

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

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

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

Cumulative Impacts

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:
The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>7. LOSS OF PLANT AND WILDLIFE HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would 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.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would 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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>
Less Than Significant Impact

**California Department of Fish and Game or U.S. Fish and Wildlife Service.**

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project would 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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The proposed project will have no effect on wildlife and plant habitat policies.
2. The proposed project will have no effect on a candidate, sensitive, or special status species in local or regional plans.
3. The proposed project will have no effect on riparian habitat or other sensitive natural community identified in local or regional plans.
4. The proposed project will have no effect on wetlands. It is infill residential development, so no wetlands exist on or near the site.
5. The proposed project will have no effect on native resident or migratory fish or wildlife species.
6. The proposed project will have no effect on local policies or ordinances protecting biological resources.
7. The proposed project will have no effect on local, regional, or state habitat conservation plan.
8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:
The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>8. ARCHAEOLOGICAL / HISTORICAL SITES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.</td>
</tr>
<tr>
<td></td>
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<tr>
<td>---</td>
</tr>
<tr>
<td>2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.</td>
</tr>
<tr>
<td>3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.</td>
</tr>
<tr>
<td>4) The proposed project would involve the removal of known significant resources.</td>
</tr>
<tr>
<td>5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.</td>
</tr>
<tr>
<td>6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on archaeological/historical resource policies.

(2) The proposed project will have no effect on historical buildings or landmarks. There are no historical buildings or landmarks that exist on or near this site.

(3) The proposed project will have no effect on existing structures that are more than 50 years old that are determined to have historical significance.

(4) The proposed project will have no effect on known significant resources.

(5) The proposed project will have no effect on cultural resources.

(6) The proposed project will have no effect on tribal cultural resources.

9. **INCREASED DEMAND FOR STORM DRAINAGE**

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

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.
Direct Impacts

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

Cumulative Impacts

**Effect:** Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto’s urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation channels to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

**Discussion:**
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>9. INCREASED DEMAND FOR STORM DRAINAGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would substantially increase the rate or amount of surface runoff in a</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
manner that would result in on- or off-site flooding.

3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.

<table>
<thead>
<tr>
<th>Effect</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on storm drainage policies.

(2-3) The proposed project will have no effect on surface runoff above what is assumed in the adopted Master EIR.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.
**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>10. FLOODING AND WATER QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would place housing within a 100-year flood hazard area.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The proposed project will have no effect on flooding and water quality policies.
2. The proposed project will not result in more housing within a 100-year flood hazard zone.
3. The proposed project will not be in the 100-year floodplain.
The proposed project will not expose people to flooding.

The proposed project will not alter existing drainage patterns of the site that would result in flooding onsite or offsite.

The proposed project will have no effect on water quality standards or waste discharge requirements.

The proposed project will have no effect on existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation.

The proposed project will have negligible contribution to water runoff above what is assumed in the adopted Master EIR.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on parks and open space policies.

(2) The proposed project will have no effect on parks and open space above what is assumed in the adopted Master EIR.

(3) The proposed project will have no effect on parks and open space needs above what is assumed in the adopted Master EIR.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

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

Cumulative Impacts

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

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

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.3 of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

<table>
<thead>
<tr>
<th>12. INCREASED DEMAND FOR SCHOOLS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with Urban Area General Plan school policies.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on school policies.

(2) The proposed project will have no effect on SB 50/Proposition 1A funding provisions.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

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

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

**b. Urban Area General Plan Mitigating Policies Applied to the Project**

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

**Discussion:**
The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

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

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

<table>
<thead>
<tr>
<th>13. INCREASED DEMAND FOR POLICE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The proposed project will have no effect on police policies.

(2) The proposed project will not result in the need for more police personnel and facilities.
14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

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

Cumulative Impacts

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Effect Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in any</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

City of Modesto
General Plan Master EIR

Initial Study EA No. 2019-11
April 15, 2019
<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The proposed project will have no effect on fire service policies.

(2) The proposed project will not result in the need for more fire service facilities.

**15. GENERATION OF SOLID WASTE**

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

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

**Direct Impacts**

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

**Cumulative Impacts**

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

**b. Urban Area General Plan Mitigating Policies Applied to the Project**

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”

**Discussion:**

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>15. GENERATION OF SOLID WASTE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on solid waste policies.

(2) The proposed project will have no effect on landfills or solid waste-reduction facilities above what is assumed in the adopted Master EIR.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

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

Cumulative Impacts

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigating Policies Applied to Project.”
Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

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

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

<table>
<thead>
<tr>
<th>16. HAZARDS AND HAZARDOUS MATERIALS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Less Than Significant

Discussion:

(1) The proposed project will have no effect on hazardous materials policies.
(2) The proposed project will not involve hazardous materials.
(3) The proposed project will not result in emitting hazardous emissions or handling hazardous materials.
(4) The proposed project will not be located on a hazardous materials site.
(5-6) The project site is not within two miles of any airport.
(7) The proposed project will not interfere with an emergency response plan or evacuation plan.
(8) The proposed project will not expose people to wildland fires. The project site and surrounding area is already developed with urban uses.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."
Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.8 of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

<table>
<thead>
<tr>
<th>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on geology, soils, and mineral resources policies.

(2) The proposed project will not result in exposing people or structure to seismic activities, location on expansive soils, or loss of mineral resources above what is assumed in the adopted Master EIR.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

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

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>18. ENERGY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project will have no effect on energy policies.

(2) The proposed project will not result in wasteful energy consumption during future construction activities above what is assumed in the adopted Master EIR.

19. EFFECTS ON VISUAL RESOURCES
a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

**Direct Impacts**

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

**Cumulative Impacts**

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

b. **Urban Area General Plan Mitigating Policies Applied to the Project**

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

**Discussion:**

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

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

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

<table>
<thead>
<tr>
<th>19. VISUAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant w/ Mitigating Policies</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would have a substantial adverse effect on a scenic vista.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would substantially</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
**Discussion:**

(1) The proposed project is consistent with the Urban Area General Plan visual resource policies.

(2) The proposed project will not have an adverse effect on a scenic vista.

(3) The proposed project will not damage scenic resources.

(4) The proposed project will not degrade the visual character of its surroundings above what is assumed in the adopted Master EIR.

(5) The proposed project will not create light or glare that would affect views.

(6) The proposed project will have no effect on views from riverside areas and parks.

(7) The proposed project will have no effect on views of riverside areas from public roadways and nearby properties.

**20. LAND USE AND PLANNING**

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

**b. Master EIR and/or New Mitigation Measures Applied to the Project**
The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed project will be consistent land use and planning policies.
(2) The proposed project will not result in the physical division of an established community.
(3) The proposed project will have no effect on a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact.
(4) The proposed project will have no effect on applicable habitat conservation plan or natural community conservation plan.
V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

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

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

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

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

Traffic and Circulation:
N/A

Air Quality and Greenhouse Gases:

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

AQ-102. Reduce PM10 emissions from City–maintained roads to the maximum extent feasible. (Policy VII.H.2.ll)
AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-106. Wet all exterior surfaces of buildings that are more than six stories tall during demolition. (Policy VII.H.2.pp)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2_rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2_tt)

AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2_uu)

AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2_ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2_xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2_yy)
**AQ-116.** Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII’s 20 percent opacity limit). (Policy VII.H.2.zz)

**AQ-117.** Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

**Generation of Noise and Vibration:**

**Noise-4** Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people.
  (UAGP Policy VII-G.3.b)

**Effects on Agricultural Lands:**

N/A

**Increased Demand for Long-Term Water Supplies:**

N/A

**Increased Demand for Sanitary Sewer Services:**

N/A

**Loss of Sensitive Wildlife and Plant Habitat:**

N/A

**Disturbance of Archaeological/Historic Sites:**

**AH-14:** For any project that involves earth-disturbing activities within the archaeological resource study area (defined as the Riparian and Vernal Pool Locations shown on MEIR Figure V-7-1), or on a site determined to be archaeologically or culturally sensitive by City staff through consultation with Native American tribes or bands and a qualified archaeologist, require the project applicant to implement the following mitigation measures, at a minimum:
(1) Where excavation or construction would occur outside of areas where development has occurred, or where excavation / construction would occur at depths greater than existing foundations, roads, and/or trenches in the immediate vicinity, evaluate the site via a qualified archaeologist retained by the project applicant. Said evaluation would include at minimum a records search, a Phase I pedestrian survey, and preparation of an archaeological report containing the results of this cultural resources inventory identification effort for submittal to the Central California Information Center. If a Phase II archaeological evaluation is recommended, complete a report of the survey and any excavations with recommendations prior to project approval;

(2) In the event of the discovery of a burial, human bone, or suspected human bone, immediately halt all excavation or grading in the vicinity of the find and protect the area of the find. The project applicant shall immediately notify the Modesto Police Department and County Coroner of the find and comply with the provisions of California Health and Safety Code Section 7050.5, including California Public Resources Code Section 5097.98, if applicable. If human remains are identified, also retain a Native American monitor at the applicant's expense;

(3) A qualified archaeological monitor will be present and will have the authority to stop and redirect grading activities, in consultation with the Native Americans and their designated monitors, to evaluate the significance of any Native American archaeological resources discovered on the property; and,

(4) Relinquish ownership of all Native American human remains and/or artifacts that are found within the project area, to the appropriate Native American Most Likely Descendent (MLD), as assigned by the Native American Heritage Commission, for proper treatment and disposition. The MLD will decide whether or not standard archaeological analysis will be allowed on human remains and associated artifacts from burials.

(5) If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find, and the City's Planning Manager shall be notified. A qualified paleontologist shall evaluate the resource to determine if it is significant. If the resource is significant, prepare a proposed mitigation plan in accordance with Society of Vertebrate Paleontology guidelines. The proposed mitigation plan may include a field survey of additional construction areas, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings.
Recommendations determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. (UAGP Policy VII.F.2[k])

AH-15: Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:

1. Planning construction to avoid archaeological sites;
2. Incorporating sites within parks, green space, or other open space;
3. Covering the sites with a layer of chemically stable soil; and/or,
4. Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (UAGP Policy VII.F.2[i])

AH-16: Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (UAGP Policy VII.F.2[m])

AH-17: If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (UAGP Policy VII.F.2[n])

AH-18: All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (UAGP Policy VII.F.2[o])
**Increased Demand for Storm Drainage:**
N/A

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

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

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

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

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

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

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

**Geology, Soils, and Mineral Resources:**
N/A

**Energy:**
N/A

**Effects on Visual Resources:**
N/A

**Land Use and Planning:**
N/A
RESOLUTION ACCEPTING THE APPLICATIONS OF CITIZENS MEDICAL RESPONSE, LLC AND THE MEDIC’S PLUS INC, AND ISSUING BOTH ENTITIES A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Citizens Medical Response, LLC and The Medic’s Plus Inc. have submitted applications to provide non-emergency medical transport services within the City of Modesto, and

WHEREAS, Citizens Medical Response, LLC and The Medic’s Plus Inc. have paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed background investigations regarding Citizens Medical Response, LLC and The Medic’s Plus Inc. per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Citizens Medical Response, LLC and The Medic’s Plus Inc. to function as a non-emergency medical transport service providers within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on July 9, 2019, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of permits to Citizens Medical Response, LLC and The Medic’s Plus Inc. for non-emergency medical transport service within the City of Modesto, and

WHEREAS, Modesto City Council finds that Citizens Medical Response, LLC and The Medic’s Plus Inc. will serve the public convenience and necessity requirements.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the applications of Citizens Medical Response, LLC and The Medic’s Plus Inc. and issues both entities a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers: None

ABSENT:  Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MODESTO CENTRE PLAZA ENTRY DOOR REPLACEMENT PROJECT, ACCEPTING THE BID AND AWARDING A CONTRACT TO R&S ERECTION TRI-COUNTY, INC OF MODESTO, CA IN THE AMOUNT OF $63,500 AND AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $6,350 (10% OF THE ORIGINAL CONTRACT PRICE) IF NEEDED FOR A TOTAL AMOUNT NOT TO EXCEED $69,850 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Centre Plaza was constructed in 1988 and has served as the primary community event center for the City of Modesto, and

WHEREAS, the main entrance of the facility features four sets of clear tempered glass double doors and serves as the primary entry point for the facility, and

WHEREAS, the main entry doors have experienced 3 decades of use and no longer function properly, and

WHEREAS, staff has determined that deferring the replacement of these doors is no longer a feasible option, and

WHEREAS, plans and specifications have been prepared for the Modesto Centre Plaza Entry Door Replacement Project, and City staff recommends approval by the City Council, and

WHEREAS, formal bids were unable to be obtained through standard best practices, and

WHEREAS, the Purchasing Manager approved an informal bid process due to the exigent circumstance pursuant to Modesto Municipal Code Section 8-3.204(c), and
WHEREAS, a single responsive and responsible bid was received on for the Modesto Centre Plaza Entry Door Replacement Project from R&S Erection Tri-County, Inc. of Modesto, CA, and

WHEREAS, the City staff recommends that the bid of $63,500 received from R&S Erection Tri-County, Inc. of Modesto, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to R&S Erection Tri-County, Inc. of Modesto, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, this situation meets the exception authorized by Modesto Municipal Code Section 8-3.204(c) which authorizes the Purchasing Manager, in his or her discretion, to determine that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances. An award of $63,500 and agreement for the Parks, Recreation and Neighborhoods Department to use R&S Erection Tri-County, Inc. of Modesto, CA conforms to the Modesto Municipal Code because the City complied with the informal bid procedures and R&S Erection Tri-County, Inc. of Modesto, CA was the only responsive and responsible bidder. Therefore, City staff and the City Manager recommend awarding the contract to R&S Erection Tri-County, Inc. of Modesto, CA.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Modesto Centre Plaza Entry
Door Replacement Project, accepts the bid and awards a contract to R&S Erection Tri-County, Inc. of Modesto, CA in the amount of $63,500.

BE IT FURTHER RESOLVED, that the Director of Utilities may approve change orders up to the cumulative amount of $6,350 (10% of the original Contract price) if needed.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AWARD OF BID FOR THE FURNISHING
OF ASPHALT AND EMULSIFIED ASPHALT MATERIALS FOR ROAD
MAINTENANCE ON AN AS-NEEDED BASIS, WITH GEORGE REED, INC.,
escalon, CA, AND CALAVERAS MATERIALS INC., hughson, CA for a
two-year agreement with three one-year extension options,
for an annual combined cost not to exceed $543,151, and a
TOTAL COMBINED AMOUNT NOT TO EXCEED $2,715,755 OVER A FIVE
YEAR PERIOD, AND AUTHORIZING THE PURCHASING MANAGER, OR
HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENTS

WHEREAS, the Streets Division is responsible for maintaining residential streets,
major arterial and collector streets, and alleys within the City of Modesto, in which,
asphalt materials are essential for staff to perform its street maintenance function, and

WHEREAS, the timely furnishing and availability of asphalt and emulsified
asphalt materials is vital to the Streets Division being able to perform its primary function
of maintaining the residential streets, major arterial and collector streets, and alleys
throughout the City, and

WHEREAS, on December 5, 2018, the Purchasing Division issued RFB 1819-
06RB for as-needed furnishing of asphalt and emulsified asphalt materials and posted on
PlanetBids via the City’s Website, and

WHEREAS, on January 8, 2019, bids were formally opened in the City Clerk’s
Office, and

WHEREAS, only one vendor responded to the bid and due to the critical need of
this material the Purchasing Division solicited additional bids to identify a secondary
vendor, and

WHEREAS, four additional bidders were contacted and two bidders responded,
and
WHEREAS, one of the two bidders, Teichart Aggregates was responsible but non-responsive because they did not meet the twenty-five mile radius requirement from the center of City of Modesto located at 1400 Coffee Road, Modesto CA, 95355 for any asphalt plant manufacturer which was over by 0.6 miles from this center point, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; the award of bid for the purchase of as furnishing of asphalt and emulsified asphalt materials George Reed, Inc. conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality,” the seeking of an additional vendor conforms to the Modesto Municipal Code, 8-4.204 (d) as the Purchasing Division solicited additional pricing to obtain the lowest cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the furnishing of asphalt and emulsified asphalt materials for road maintenance on an as-needed basis, with George Reed, Inc., Escalon, CA, and Calaveras Materials Inc., Hughson, CA for a two-year agreement with three one-year extension options, for an annual combined cost not to exceed $543,151, and a total combined amount not to exceed $2,715,755 over a five year period.
BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchasing agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney