

ORDINANCE NO. 3430-C.S.

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 9 OF  
THE MODESTO MUNICIPAL CODE RELATING TO  
FLOODPLAIN MANAGEMENT.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 4 of Title 9 of the Modesto

Municipal Code is hereby amended to read as follows:

**CHAPTER 4**

**FLOODPLAIN MANAGEMENT**

**ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT,  
PURPOSE AND METHODS.**

**9-4.101. STATUTORY AUTHORIZATION.**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of City of Modesto does hereby adopt the following Floodplain Management Regulations.

**9-4.102. FINDINGS OF FACT.**

The flood hazard areas of Modesto are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in Special Flood Hazard Areas which increase flood heights and velocities also contribute to flood losses.

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#### **9-4.103. STATEMENT OF PURPOSE.**

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e. mudflow) or flood related erosion areas. These regulations are designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Special Flood Hazard Areas;
- (f) Help maintain a stable tax base by providing for the sound use and development of Special Flood Hazard Areas so as to minimize future blighted areas caused by flood damage;
- (g) Ensure that potential buyers are notified that property is in a Special Flood Hazard Area; and
- (h) Ensure that those who occupy the Special Flood Hazard Areas assume responsibility for their actions.

#### **9-4.104. METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this Chapter includes regulations to:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

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- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage;
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and

These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes.

## ARTICLE 2. DEFINITIONS

### 9-4.201. DEFINITIONS.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- (a) **“A zone”** see **“Special Flood Hazard Area”**.
- (b) **“Accessory structure, low-cost and small”** means a structure that is:
  - (1) Solely for the parking of no more than 2 cars, or limited storage (small, low cost sheds); and
  - (2) Less than one hundred fifty (150) square feet in size and has a market value of less than fifteen hundred dollars (\$1,500).
- (c) **“Accessory use”** means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- (d) **“Alluvial fan”** means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

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- (e) “**Apex**” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- (f) “**Appeal**” means a request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.
- (f) “**Area of shallow flooding**” means a designated AO or AH Zone on the Flood Insurance Rate Map (“FIRM”). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (g) “**Base flood**” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). Base flood is the term used throughout this Chapter.
- (h) “**Base flood elevation**” or “**BFE**” means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- (i) “**Basement**” means any area of the building having its floor subgrade - i.e., below ground level - on all sides.
- (j) “**Building**” see “**Structure**”.
- (k) “**Development**” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (l) “**Encroachment**” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (m) “**Existing manufactured home park or subdivision**” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed before the latter of August 14, 1980, or annexation to the City.

- (n) **“Expansion to an existing manufactured home park or subdivision”** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (o) **“Flood, flooding, or flood water”** means:
  - (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
  - (2) The condition resulting from flood-related erosion.
- (p) **“Flood Boundary and Floodway Map” or “FBFM”** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the Special Flood Hazard Areas and the floodway.
- (q) **“Flood Insurance Rate Map” or “FIRM”** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.
- (r) **“Flood Insurance Study”** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (s) **“Floodplain or flood-prone area”** means any land area susceptible to being inundated by water from any source. See **“Flooding.”**
- (t) **“Floodplain Administrator”** is the Chief Building Official for the City of Modesto.

- (u) **“Floodplain Management”** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, Floodplain Management Regulations, and open space plans.
- (v) **“Floodplain Management Regulations”** means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term includes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- (w) **“Floodproofing”** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
- (x) **“Floodway”** or **“Regulatory Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (y) **“Floodway fringe”** is that area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.
- (z) **“Fraud and victimization”** as related to Article 6 of this Chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

- (aa) “**Functionally dependent use**” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
- (ab) “**Governing body**” is the City Council of the City of Modesto, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
- (ac) “**Hardship**” as related to Article 6 of this Chapter means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- (ad) “**Highest adjacent grade**” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (ae) “**Historic structure**” means any structure that is:
  - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
- (af) **“Levee”** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
  - (ag) **“Levee system”** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
  - (ah) **“Lowest floor”** means the lowest floor of the lowest enclosed area, including a basement.
    - (1) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
      - (i) The flood openings standard in Section 9-4.501(c)(3);
      - (ii) The anchoring standards in Section 9-4.501(a);
      - (iii) The construction materials and methods standards in Section 9-4.501(b); and
      - (iv) The standards for utilities in Section 9-4.502.
    - (2) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages and storage areas.

- (ai) “**Manufactured home**” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.
- (aj) “**Manufactured home park or subdivision**” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (ak) “**Market value**” is defined in the City of Modesto’s substantial damage/improvement procedures as set forth in Section 9-4.402(b)(1).
- (al) “**Mean sea level**” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on the City’s Flood Insurance Rate Map are referenced.
- (am) “**New construction**”, for floodplain management purposes, means structures for which the “start of construction” commenced on or after the latter of August 14, 1980, or annexation to the City, and includes any subsequent improvements to such structures.
- (an) “**New manufactured home park or subdivision**” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the latter of August 14, 1980, or annexation to the City.
- (ao) “**Obstruction**” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

- (ap) **“One-hundred-year flood” or “100-year flood”** See **“Base flood.”**
- (aq) **“Program deficiency”** means a defect in the City’s Floodplain Management Regulations or administrative procedures that impairs effective implementation of those Floodplain Management Regulations.
- (ar) **“Public safety and nuisance”** as related to Article 6 of this Chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- (as) **“Recreational vehicle”** means a vehicle which is:
  - (1) Built on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
  - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (at) **“Regulatory floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (au) **“Remedy a violation”** means to bring the structure or other development into compliance with State or local Floodplain Management Regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

- (av) “**Riverine**” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (aw) “**Sheet flow area**” see “**Area of shallow flooding.**”
- (ax) “**Special Flood Hazard Area**” or “**SFHA**” means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
- (ay) “**Start of construction**” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (az) “**Structure**” is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term “structure” includes a gas or liquid storage tank or a manufactured home.
- (ba) “**Substantial damage**” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (bb) “**Substantial improvement**” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of

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construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”
- (bc) “**Variance**” means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.
- (bd) “**Violation**” means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.
- (be) “**Water surface elevation**” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (bf) “**Watercourse**” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### ARTICLE 3. GENERAL PROVISIONS

#### 9-4.301. LANDS TO WHICH THIS CHAPTER APPLIES.

This Chapter shall apply to all Special Flood Hazard Areas within the city limits of the City of Modesto.

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**9-4.302. BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS.**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) in the “Flood Insurance Study (FIS) for City of Modesto, California, Stanislaus County” dated May 7, 2001, with accompanying Flood Insurance Rate Maps (FIRM’s) and Flood Boundary and Floodway Maps (FBFM’s), dated May 7, 2001, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of these Floodplain Management Regulations. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City Council by the Floodplain Administrator. The study, FIRM’s and FBFM’s are on file at 1010 10th Street, Suite 4100, Modesto, California 95353.

**9-4.303. COMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Nothing herein shall prevent the City of Modesto from taking such lawful action as is necessary to prevent or remedy any violation.

**9-4.304. INTERPRETATION.**

In the interpretation and application of this Chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state or local law.

**9-4.305. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. Neither the requirements of this Chapter nor the application thereof shall create liability on the part of the City of Modesto,

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any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

**9-4.306. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council declares that it would have adopted such section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**ARTICLE 4. ADMINISTRATION**

**9-4.401. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**

The Chief Building Official or designee is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accord with its provisions.

**9-4.402. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

**(a) Permit Review.**

Review all development permits to determine:

- (1) Permit requirements as set forth in this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
- (2) All other required state and federal permits have been obtained;
- (3) The site is reasonably safe from flooding;
- (4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means

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that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Modesto; and

- (5) All Conditional Letters of Map Revision (CLOMR's) for projects within Special Flood Hazard Areas are approved prior to issuance of a grading permit. An approved CLOMR allows for construction activities and land preparation up to, but not after, "start of construction" as defined in Section 9-4.201(ay).
- (6) All Letters of Map Revision (LOMR's) for projects within Special Flood Hazard Areas are approved prior to the issuance of building permits or "start of construction". Building permits shall be issued based upon and consistent with Conditional Letters of Map Revision (CLOMRs). Prior to issuance of a building permit or "start of construction", "as built" for the approved grading plan shall be submitted to the Floodplain Administrator for review and approval.

(b) **Development of Substantial Improvement and Substantial Damage Procedures.**

- (1) Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, including a definition for defining "Market value."
- (2) Assure procedures are coordinated with other departments/divisions and implemented by community staff.

(c) **Review, Use and Development of Other Base Flood Data.**

Where FEMA has not provided the City with base flood elevation data in accordance with Section 9-4.302, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article 5 of this Chapter.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain

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Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.

(d) **Notification of Other Agencies.**

- (1) Alteration or relocation of a watercourse:
  - (i) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - (ii) Submit evidence of such notification to the Federal Emergency Management Agency; and
  - (iii) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (2) Base Flood Elevation changes due to physical alterations:
  - (i) Within six (6) months after issuance of a grading permit, prior to issuance of a building permit, or prior to the start of construction, whichever occurs first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA as required for a Letter of Map Revision (LOMR).
  - (ii) All LOMRs are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). An approved CLOMR's allows for construction activities and land preparation up to, but not after the “start of construction” as defined in Section 9-4.201(ay).

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and Floodplain Management Requirements will be based on current data.

(3) Changes in corporate boundaries:

Notify FEMA in writing whenever the City's boundaries have been modified by annexation and include a copy of a map of the City clearly delineating the new city limits.

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(e) **Documentation of Floodplain Development.**

Obtain and maintain for public inspection and make available as needed the following:

- (1) Certifications required by Sections 9-4.501(c)(1) and 9-4.504 (lowest floor elevations);
- (2) Certifications required by Section 9-4.501(c)(2) (elevation or floodproofing of nonresidential structures);
- (3) Certifications required by Section 9-4.501(c)(3) (wet floodproofing standard);
- (4) Certifications of elevation required by Section 9-4.503(a)(3) (subdivisions and other proposed development standards);
- (5) Certifications required by Section 9-4.506(b) (floodway encroachments); and
- (6) Maintain a record of all variance actions, including justification for their issuance, and provide a report of any such variances issued in the City's biennial report submitted to the Federal Emergency Management Agency.

(f) **Map Determination.**

Make interpretations where needed, as to the exact location of the boundaries of the Special Flood Hazard Areas, where there appears to be a conflict between a mapped boundary and actual field conditions.

(g) **Remedial Action.**

Take action, as appropriate, to remedy violations of this Chapter.

(h) **Biennial Report.**

Complete and submit Biennial Report to FEMA in accordance with 44 CFR 59.22(b)(2).

(i) **Planning.**

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Work with City's Planning Division to assure that the City's General Plan is consistent with floodplain management objectives herein.

**9-4.403. BUILDING PERMIT REQUIRED.**

A building permit shall be obtained before any construction or other development, including manufactured homes, begins within any Special Flood Hazard Areas. Application for a building permit shall be made on forms furnished by the Chief Building Official. The application requirements shall include but not be limited to the following information:

- (a) Plans in duplicate, drawn to scale, showing:
  - (1) The nature, location, dimensions, and elevations of the area in question, existing or proposed structures, storage of materials and equipment and their location;
  - (2) Proposed locations of water supply, sanitary sewer, and other utilities;
  - (3) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
  - (4) Location of the regulatory floodway when applicable;
  - (5) Base flood elevation information as specified in Sections 9-4.302 or 9-4.402(c);
  - (6) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - (7) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 9-4.501(c)(2) of this Chapter and detailed in FEMA Technical Bulletin TB 3-93.
- (b) Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 9-4.501(c)(2).

- (c) For a crawl-space foundation, location and total net area of foundation openings as required in Section 9-4.501(c)(3) of this Chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (e) All appropriate certifications listed in Section 9-4.402(e).

**9-4.404. APPEALS.**

Any person alleging there is an error in any requirement, decision or determination made by the Floodplain Administrator involving the enforcement, administration or application of this Chapter may appeal the decision to the City Council in accordance with Modesto Municipal Code Section 1-4.01 et seq.

## ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

### 9-4.501. STANDARDS OF CONSTRUCTION.

In all Special Flood Hazard Areas the following standards are required:

(a) **Anchoring.**

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) **Construction Materials and Methods.**

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

- (1) With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
- (2) Using methods and practices that minimize flood damage;
- (3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- (4) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(c) **Elevation and Floodproofing.**

(1) **Residential construction.**

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- (i) In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.

- (ii) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
- (iii) In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation, as determined under Section 9-4.402(c).

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

**(2) Nonresidential construction.**

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 9-4.501(c)(1) or:

- (i) floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 9-4.501(c)(1), so that the structure is watertight with walls substantially impermeable to the passage of water;
- (ii) structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (iii) Be certified by a registered civil engineer or architect that the standards of set forth in Section 9-4.501(c)(2)(i) and (ii) are satisfied. Such certification shall be provided to the Floodplain Administrator.

**(3) Flood openings.**

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on

exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- (i) For non-engineered openings:
    - a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b) The bottom of all openings shall be no higher than one foot above grade;
    - c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
    - d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
  - (ii) Be certified by a registered civil engineer or architect that the standards set forth in Section 9-4.501(c)(3)(i) are satisfied. Such certification shall be provided to the Floodplain Administrator.
- (4) **Manufactured homes.**
- (i) Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in Section 9-4.501(c).
  - (ii) Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in Section 9-4.504.
- (5) **Garages and low cost accessory structures.**
- (i) Attached garages.

- a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters in accordance with Section 9-4.501(c)(3). Areas of the garage below the BFE must be constructed with flood resistant materials in accordance with Section 9-4.501(b).
  - b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
- (ii) Detached garages and accessory structures.
- a) Accessory structures used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Article 2 of this Chapter, may be constructed such that its floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements:
    - 1) Use of the accessory structure must be limited to parking or limited storage;
    - 2) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
    - 3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
    - 4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
    - 5) The accessory structure must comply with floodplain encroachment provisions in Section 9-4.506; and

- 6) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 9-4.501(c)(3).
- b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 9-4.501.

**9-4.502. STANDARDS FOR UTILITIES.**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  - (1) Infiltration of flood waters into the systems; and
  - (2) Discharge from the systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

**9-4.503. STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.**

- (a) All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions shall:
  - (1) Identify the Special Flood Hazard Areas and Base Flood Elevations.
  - (2) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
  - (3) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
    - (i) Lowest floor elevation.
    - (ii) Pad elevation.

- (iii) Lowest adjacent grade.
- (b) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- (c) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (d) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

**9-4.504. STANDARDS FOR MANUFACTURED HOMES WITHIN MANUFACTURED HOME PARKS OR SUBDIVISIONS.**

All manufactured homes in Special Flood Hazard Areas shall meet the anchoring standards in Section 9-4.501(a), construction materials and methods requirements in Section 9-4.501(b), flood openings requirements in Section 9-4.501(c)(3), and garages and low cost accessory structure standards in Section 9-4.501(c)(5).

Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in Section 9-4.501(c).

- (a) All manufactured homes that are placed or substantially improved, on sites located: (1) in a new manufactured home park or subdivision; (2) in an expansion to an existing manufactured home park or subdivision; (3) or in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred “substantial damage” as the result of a flood shall:
  - (1) Within Zones A1-30, AH, and AE on the City’s Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - (b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the City’s Flood Insurance Rate Map that are not subject to the provisions of Section 9-4.504(a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

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- (1) Lowest floor of the manufactured home is at or above the base flood elevation; or
- (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the Chief Building Official or designee to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### **9-4.505. STANDARDS FOR RECREATIONAL VEHICLES.**

- (a) All recreational vehicles placed in Zones A1-30, AH, and AE will either:
  - (1) Be on the site for fewer than 180 consecutive days; or
  - (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - (3) Meet the permit requirements of Section 9-4.403 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 9-4.504(a).

#### **9-4.506. FLOODWAYS.**

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Modesto.

- (b) Encroachments within an adopted regulatory floodway are prohibited including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (c) If Sections 9-4.506(a) and (b) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article 5 of this chapter.

## **ARTICLE 6. VARIANCE PROCEDURE**

### **9-4.601. NATURE OF VARIANCES.**

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this Article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

### **9-4.602. APPLICATION AND PROCEDURE FOR VARIANCE.**

- (a) A complete application for a variance shall at a minimum contain:

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- (1) An application form as prescribed by the Floodplain Administrator.
  - (2) A development or site plan and any elevations, perspectives or floor plans necessary for evaluation of the variance application as determined by the Floodplain Administrator.
  - (3) A complete statement of the grounds on which the application for a variance is based, including a showing that the application complies with all of the conditions set forth in Section 9-4.603, and applicant's basis for asserting that each of the findings set forth in Section 9-4.604 may be made.
  - (4) Other information that the Council or the Floodplain Administrator may deem necessary to evaluate the proposed application for variance.
  - (5) A filing fee as established by resolution of the City Council.
- (b) All plans, elevations, perspectives or floor plans shall conform to plot plan standards as published by the Chief Building Official.
- (c) The application for a variance shall be heard by the City Council at a public hearing duly noticed in accordance with California Government Code Section 65091. The Notice of Hearing shall also be distributed as follows:
- (1) Mailing of a notice to the owner or authorized agent of the property owner and the project applicant. Mailing of a notice to every property owner as shown on the updated equalized assessment role of the County of Stanislaus, who owns property, any part of which is within three hundred (300) feet of the property involved. The notice shall be deposited in the United States mail not less than ten (10) days prior to the hearing.
  - (2) Additional means of distribution may be used at the discretion of the Secretary or City Clerk. Additional means of distribution may include mailing of notices not otherwise required or posting notices in the immediate area of the property.

- (d) The applicant for a variance shall have the burden of proof of showing that the application complies with all of the conditions set forth in Section 9-4.603, that all of the findings set forth in Section 9-4.604 can be made and that the variance is consistent with the purpose and intent of this Chapter.
- (e) After consideration of the factors set forth in Section 9-4.602(a) and the purposes of this Chapter, and upon the making of all findings as set forth in Section 9-4.603, the City Council may grant a variance and attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter, and to protect the public health, safety and welfare. A copy of the resolution shall be mailed to the applicant. The action of the City Council shall be final.
- (f) If an application for a variance is denied an application for the same variance cannot be filed until one (1) year after date of denial. The Council or Board may waive the one-year wait if they feel circumstances have changed substantially and the interest of the general public will not be adversely affected.
- (g) The permanent file of a variance application shall at a minimum contain the application, minutes of all public meetings or hearings, copies of all resolutions, and copies of all public notices and affidavits of their mailing, posting, or publishing. The permanent file of a variance application shall be maintained by the Floodplain Administrator.

**9-4.603. CONDITIONS FOR VARIANCES.**

- (a) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the procedures of Articles 4 and 5 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation of “historic structures” as defined in Article 2 upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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- (c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this Chapter. For example, in the case of variances to an elevation requirement, the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
- (e) Any applicant to whom a variance is granted shall be given written notice by the Floodplain Administrator that:
  - (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  - (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Stanislaus County Recorder so that it appears in the chain of title of the affected parcel of land.
- (f) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

**9-4.604. GRANTING OF VARIANCES.**

- (a) In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and the:
  - (1) Danger that materials may be swept onto other lands to the injury of others;
  - (2) Danger of life and property due to flooding or erosion damage;

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- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - (4) Importance of the services provided by the proposed facility to the community;
  - (5) Necessity to the facility of a waterfront location, where applicable;
  - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) Compatibility of the proposed use with existing and anticipated development;
  - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
  - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- (b) Variances shall only be issued upon a:
- (1) Showing of good and sufficient cause;
  - (2) Determination that failure to grant the variance would result in exceptional “hardship” to the applicant; and
  - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a “public safety and nuisance”, cause “fraud and victimization” of the public, or conflict with existing local laws or ordinances.

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- (c) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 9-4.603(a) through 9-4.603(d) are satisfied and that the structure or other development will be protected by methods that minimize flood damages during the base flood, the granting of the variance will not result in additional threats to public safety, or create a public nuisance.

**9-4.605. REVOCATION OF VARIANCES.**

- (a) After a public hearing held in accordance with Section 9-4.602(c), the Council may modify or revoke any variance on one or more of the following grounds:
  - (1) The approval was obtained by fraud or intentional misrepresentation;
  - (2) The use for which approval was granted is not being exercised or has ceased to exist;
  - (3) The variance is being exercised contrary to or without compliance with the conditions of approval or in violation of other applicable laws or regulations; or
  - (4) The use for which approval was granted is being exercised so as to be detrimental to the public health, safety or welfare, or so as to constitute a nuisance.
- (b) The resolution of the City Council modifying or revoking a variance shall be final. A copy of the resolution shall be mailed to the applicant and shall be part of the permanent file of the variance application and shall be maintained as provided in Section 9-4.602(f).

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in

the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Keating, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3430-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of December 2006, Councilmember O'Bryant moved its final adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

  
MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: January 4, 2007

Ordinance 3430-C.S.  
Effective: January 4, 2007



ORDINANCE NO. 3431-C.S.

AN ORDINANCE AMENDING SECTIONS 22-3-9 AND 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(30), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(30), PROPERTY LOCATED AT 600 COFFEE ROAD.

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Sections 22-3-9 and 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-2, to Planned Development Zone, P-D(30), as an addition to Planned Development Zone, P-D(30):

R-1 to P-D(30)

BEING Lots 1,2,3,4,5,6, and 7 of Block 1032 as shown on the Map of Downey Manor, recorded in Volume 18 of Maps, at Page 32, Stanislaus County Records, together with the South half of the 60' wide Locke Road, the West 30.0 feet of the 50 foot wide Sunnyside Avenue and the North half of the 20' wide alley adjacent to said lots, lying in the Southwest Quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California.

Containing 1.89 acres of land.

R-2 to P-D(30)

BEING a portion of Lot 43 of the "Broughton Colony Tract", according to the Official Map thereof, filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, lying in the Northeast Quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at a point 170.5 feet South of the Northeast corner of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian according to the United States Government Township Plats, thence West 182 feet; thence South 192 feet; thence East 182 feet to the East line of Section 28; thence Northerly along the East line of Section 28, 192 feet to the Point of Beginning.

Containing 0.8 acres of land.

BEING a portion of Lots 2 and 3 of "Sunnyside Acres" according to the Official Map thereof, filed in Volume 5 of Maps, at Page 45, Stanislaus County Records, and a portion of Lot 31 of the "Broughton Colony Tract" according to the Official Map thereof, filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, lying in the Southwest Quarter of Section 22, and the Northwest Quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 31 of the "Broughton Colony Tract" said Southwest corner is also the center line intersection of Lucern Avenue and Sunnyside Avenue; thence North  $00^{\circ}08'52''$  West along the center line of Sunnyside Avenue, 82.09 feet; thence departing said center line South  $89^{\circ}33'19''$  East, 264.36 feet to a point on the West line of Lot "G" as per the Map filed in Book 6 of Surveys, at Page 16, Stanislaus County Records; thence South  $00^{\circ}11'16''$  East along said West line, 82.06 feet to a point on the South line of Lot 31 of the Broughton Colony Tract; thence South  $89^{\circ}33'41''$  East along said South line, 65.58 feet to the Northeast corner of Lot 2 of Sunnyside Acres; thence South  $00^{\circ}11'29''$  East, 164.71 feet to the Southeast corner of said Lot 2; thence North  $89^{\circ}33'22''$  West along the South line of Lot 2, 165.03 feet; thence departing said South line North  $00^{\circ}10'47''$  West, 74.84 feet; thence North  $89^{\circ}33'22''$  West, 165.01 feet to a point on the East line of said Lot 3 of Sunnyside Acres, said point lies on the center line of Sunnyside Avenue; thence South  $00^{\circ}10'47''$  East, 75.07 feet along said center line to the Southeast corner of Lot 3; thence North  $89^{\circ}35'13''$  West along the South line of said Lot 3, 300.0 feet to the Southwest corner of that certain parcel designated as Assessor's parcel number 34-06-04; thence North  $00^{\circ}10'05''$  West along the West line of said parcel, 164.94 feet to a point on the center line of Lucern Avenue; thence South  $89^{\circ}34'42''$  East along said center line, 299.97 to the Point of Beginning.

Containing 2.61 acres of land.

SECTION 2. USES. The following uses shall be permitted in said P-D(30) Zone, as an addition to P-D(30), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Medical offices.
2. Parking ancillary to the medical offices.


SECTION 3. ZONING MAP. Sections 22-3-9 and 27-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Keating, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Hawn

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:


By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO DESCRIPTION:

By:   
Community & Economic Development  
Department – Planning Division

Ord. No. 3431-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of January 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Mayor Ridenour

APPROVED: 

MAYOR JIM RIDENOUR

ATTEST: 

JEAN MORRIS, City Clerk

Effective Date: February 22, 2007



ORDINANCE NO. 3432-C.S.

AN ORDINANCE AMENDING SECTION 31-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1 AND PLANNED DEVELOPMENT ZONES, P-D(503) AND P-D(533), TO PLANNED DEVELOPMENT ZONE, P-D(577), PROPERTY LOCATED ON THE NORTHWEST CORNER OF MARTIN LUTHER KING DRIVE AND VINE STREET. (CITY MINISTRY NETWORK, INC.)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Planned Development Zones, P-D(503) and P-D(533), to Planned Development Zone, P-D(577):

All that certain real property being a portion of the South half of Lot 9 of Spencer Colony, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, State of California, on December 16, 1904 in Volume 2 of Maps at Page 3, described as Follows

P-D(533) to P-D(577)

The East 149.08 feet of the South 209 feet of said Lot 9, excepting therefrom the South 130 feet.

P-D(503) to P-D(577)

Beginning at the Northeast corner of the said South half of Lot 9, at a point on the centerline of N. Martin Luther King Drive (formerly known as Franklin Street), and running thence South 89°58'30" West, 665.68 feet, more or less, to the Northwest corner of said South half of Lot 9; thence South 0°10' West, along the west line of said Lot 9 and the centerline of the Modesto Irrigation District canal, 97.05 feet to a point; thence North 89°58'30" East, 125 feet to a point; thence South 0°10' West, 100 feet to a point; thence North 89°59' East, 391.60 feet; thence North 0°10'00" East, 79.00 feet; thence South 89°59'00" West, 20.92 feet;

thence North 0°10'00" East, 61.00 feet; thence North 89°59'00" East, 170.00 feet to the centerline of N. Martin Luther King Drive; thence along said centerline, 57.05 feet to the point of beginning.

R-1 to P-D(577)

Commencing at the Northwest corner of the South half of said Lot 9, and running thence South 0°10" West, 97.05 feet to the true point of beginning; thence continuing South 0°10" West, 100 feet to a point; thence North 89°58'30" East, 125 feet; thence North 0°19' East, 100 feet; thence South 89°56'30" West, 125 feet to the true point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(577)

Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. a one and two-story multi-function building including gymnasium, which will also accommodate space for Youth for Christ, Medical Ambassadors, YMCA, Modesto Pregnancy Center, Salvation Army, Child Evangelism Fellowship and other ministry endeavors
2. two residential dwellings
3. continued operation of easterly dwelling as a professional office use
4. Off-street parking as shown on the approved plan

SECTION 3. ZONING MAP. Section Map 31-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of February, 2007, by Councilmember Marsh, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: Dunbar

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO DESCRIPTION:

By:   
Community Development Department  
Planning Division

Ord. No. 3432-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of February 2007, Councilmember Marsh moved its final adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:



MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: March 15, 2007



ORDINANCE NO. 3433-C.S.

AN ORDINANCE AMENDING THE PRECISE PLAN FOR AREA NO. 20, SUB-AREA C, OF THE VILLAGE ONE SPECIFIC PLAN TO ALLOW FOR A SENIOR TOWNHOUSE COMPLEX PROPERTY LOCATED ON CHANDON DRIVE, SOUTHEAST OF FLOYD AVENUE AND ROSELLE AVENUE. (SILVER OAK COMMUNITIES)

WHEREAS, the City Council on October 16, 1990, adopted the Specific Plan for Village One, a 1780-acre area of land adjoining the northeast portion of the City of Modesto, within its Sphere of Influence, and

WHEREAS, the Village One Specific Plan is divided into 35 precise plan areas, and a precise plan is required prior to development in each area, and

WHEREAS, Ordinance No. 3155-C.S., which became effective on October 14, 1999, adopted a Precise Plan for Area 20, Sub-Area C, of the Village One Specific Plan, and

WHEREAS, an application has been filed by Silver Oak Communities for amendments to the Precise Plan for Area No. 20, Sub-Area C of the Village One Specific Plan, to allow for a senior townhouse complex, property located on Chandon Drive, southeast of Floyd and Roselle Avenues, and

WHEREAS, a public hearing was held by the Planning Commission of the City of Modesto on December 18, 2006, in the Tenth Street Place Chambers at 1010 Tenth Street, Modesto, California, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution No. 2006-79, recommended to the City Council approval of amendments to the

Precise Plan for Area No. 20, Sub-Area C of the Village One Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council of the City of Modesto to be held on February 6, 2007, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission was held at the date and time above mentioned, and

WHEREAS, the Council declared that said amendments to the Precise Plan for Area No. 20, Sub-Area C of the Village One Specific Plan is required by public necessity, convenience, and general welfare for the following reasons:

1. The development is consistent with the current General Plan land use designation of the site.
2. It will further the Housing Elements goals of providing affordable housing.
3. It is compatible with adjacent residential and commercial uses,

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

SECTION 1. APPROVAL OF AMENDMENTS TO THE PRECISE PLAN.

That the City Council has reviewed and considered the amendments to the Precise Plan for Area No. 20, Sub-Area C of the Village One Specific Plan to allow for a senior townhouse complex, property located on Chandon Drive, southeast of Floyd and Roselle Avenues as recommended by the Planning Commission, and the Council does hereby approve said amendments to the Precise Plan for Area No. 20, Sub-Area C of the Village One Specific Plan. A copy of the amendments

are attached hereto and incorporated by this reference.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of February, 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3433-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of February, 2007, Councilmember Marsh moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:



MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: March 15, 2007



ORDINANCE NO. 3434-C.S.

AN ORDINANCE AMENDING SECTIONS 29-3-9 and 32-3-9 OF THE ZONING MAP TO REZONE FROM COMMERCIAL INDUSTRIAL ZONE, C-M, TO PLANNED DEVELOPMENT ZONE, P-D(578), PROPERTY LOCATED ON THE EAST CORNER OF SEVENTH AND J STREETS. (DUDLEY-CASH)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Sections 29-3-9 and 32-3-9 of the Zoning Map are hereby amended to reclassify the following described property from Commercial Industrial Zone, C-M, to Planned Development Zone, P-D(578):

C-M to P-D(578)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the South half of Section 29, Township 3 South, Range 9 East, and a portion of the North half of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Lots 27, 28, 29, 30, 31, and 32 in Block 42 of the City of Modesto, as shown on that map of City Blocks of the City of Modesto recorded in Volume 5 of Maps, Page 42, Stanislaus County Records; also including the Northeast half of 7th Street, the Southeast half of J Street, and the Southwest half of the alley, all being immediately adjacent to the above described properties.

SECTION 2. USES. The following uses shall be permitted in said P-D(578) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. a professional office as permitted in the P-O Zone
2. a residence and loft
3. a restaurant as permitted in the C-2 Zone

SECTION 3. ZONING MAP. Sections 29-3-9 and 32-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

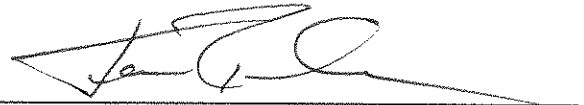
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of February, 2007, by Councilmember O'Bryant, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Keating, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED:



JIM RIDENOUR, Mayor

ATTEST:

By: Jean Morris  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO DESCRIPTION:

By: Steve Mitchell  
Community Development Department  
Planning Division

Ord. No. 3434-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of February, 2007, Councilmember Marsh moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED: \_\_\_\_\_

  
MAYOR JIM RIDENOUR

ATTEST: \_\_\_\_\_

  
JEAN MORRIS, City Clerk

Effective Date: March 15, 2007

ORDINANCE NO. 3435-C.S.

AN ORDINANCE AMENDING SECTIONS 4-4.401 AND 4-4.502 OF CHAPTER 4 OF TITLE 4 OF THE MODESTO MUNICIPAL CODE; AND REPEALING SECTIONS 4-4.402 AND 4-4.403 THEREOF RELATING TO SUBDIVISION OF LAND.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-4.401 and 4-4.502 of

Chapter 4 of Title 4 of the Modesto Municipal Code are hereby amended to read as follows:

**4-4.401. FILING AND DEPARTMENTAL APPROVAL.**

- (a) Applications for tentative subdivision maps shall be filed with the Secretary of the Planning Commission and shall conform to all requirements for the form of Maps and associated information required to be submitted with map applications as established from time to time by resolution of the City Council. Said submittal requirements shall be made available in writing to applicants upon request. The map application shall not be deemed complete until all such submittal requirements have been fully satisfied.
- (b) **Distribution.** Within ten (10) days of the filing of a tentative map, the Secretary of the Planning Commission shall transmit copies of such map and notice of the filing of the map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. Copies of the tentative map shall also be sent to the Public Works Director, Chief Engineer of the Modesto Irrigation District, District Manager of the Pacific Gas and Electric Company, District Manager of the Pacific Telephone and Telegraph Company, and such other department heads and agencies as deemed advisable, and if a state highway is concerned, to the District Engineer of the Department of Transportation, State of California.
- (c) **Action by Interested Agency or Department.** The governing board of any school district or other agency or department receiving a notice of the filing of a tentative map or a copy of the tentative map may respond in

writing to such notice or tentative map within twenty (20) working days of the date on which such notice or tentative map was mailed by the Secretary of the Planning Commission. In the event that the governing board of any school district or other agency or department fails to respond to a notice of filing or a tentative map within said period, such failure to respond shall be deemed approval of the proposed subdivision by the school district, agency, or department.

#### **4-4.502. TENTATIVE PARCEL MAPS.**

- (a) Applications for tentative subdivision maps shall be filed with the Secretary of the Planning Commission and shall conform to all requirements for the form of Maps and associated information required to be submitted with map applications as established from time to time by resolution of the City Council. Said submittal requirements shall be made available in writing to applicants upon request. The map application shall not be deemed complete until all such submittal requirements have been fully satisfied. The representative of the Planning Commission shall distribute copies of the tentative parcel map to affected City departments, local utility companies serving the property, and such other individuals or agencies as is deemed advisable. The department, utility company, individual or agency receiving a copy of the tentative parcel map may respond regarding any concerns or requirements within fifteen (15) days from the date the map was mailed. If a reply is not received within said fifteen-day period it shall be assumed that the tentative parcel map conforms with the requirements of the particular department, utility company, individual or agency.
- (b) **Consistency with General Plan.** A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.
- (c) **Requirements for Approval.** If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the

zoning regulations of the City of Modesto.

- (d) **Limitations on Approval.** A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:
- (1) That the proposed map is not consistent with applicable general and specific plans.
  - (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
  - (3) That the site is not physically suitable for the type of development.
  - (4) That the site is not physically suitable for the proposed density of development.
  - (5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
  - (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.
- (e) **Improvements.** If the Planning Commission approves the tentative parcel map it may require the construction of reasonable off-site and on-site improvements for the parcels being created. Requirements for the construction of such off-site or on-site improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The construction of such improvements

shall be required prior to the subsequent issuance of a permit or other grant of approval for the development of such parcel. The Planning Commission may require the fulfillment of such improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission that fulfillment of the improvement requirement is necessary for reasons of:

- (1) The public health and safety; or
- (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

If the improvements are required within such a time period, the Planning Commission may require an improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

- (f) **Requirement for Street Trees.** As a condition of approval for parcel maps, it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to ensure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained whenever street trees are required as a condition of approval of a parcel map, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum the City shall be responsible for planting and maintaining such street trees.
- (g) **Drainage Facilities.** Whenever the City, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may, by resolutions or agreements adopted or entered into from time to time, establish conditions under which such fees may be spread over a period of time.

- (h) **Appeal.** If the property owner or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative parcel map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within fifteen (15) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within thirty (30) days after the date of filing the appeal, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons relative to the character of the neighborhood in which the parcel is located; the kinds, nature and extent of improvements; or the quality or kinds of development to which the area is best adapted; and any other phase of the matter which it may desire to inquire into. Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

SECTION 2. REPEALS. Sections 4-4.402 and 4-4.403 of Chapter 4 of Title 4 of the Modesto Municipal Code are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

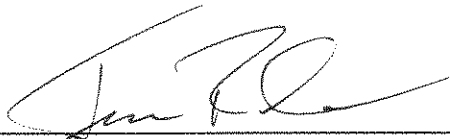
SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Olsen, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3435-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 

MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: April 5, 2007



ORDINANCE NO. 3436-C.S.

AN ORDINANCE ADDING SECTIONS 9-8.05.01 AND 9-8.07.01 TO CHAPTER 8 OF TITLE 9 OF THE MODESTO MUNICIPAL CODE RELATING TO DANGEROUS BUILDINGS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 9-8.05.01 and 9-8.07.01 are hereby added to Chapter 8 of Title 9 of the Modesto Municipal Code to read as follows:

**9-8.05.01 FEE IMPOSED - NOTICE AND ORDER.**

A fee shall be imposed on the owner of any property for which a notice and order is issued pursuant to this section. The fee shall be calculated to recover the total cost of inspections and enforcement by the City of Modesto. This fee shall be set by resolution of the City Council. An additional fee which shall be set by resolution of the City Council shall be imposed on the owner of the property at the conclusion of any matter in which a notice and order has been issued. This closing fee shall be calculated to recover the cost of closing the file, removing or placing liens on the property, a title report, and other costs associated with the matter. Any fee imposed on the owner and not paid shall be collected pursuant to the procedures set forth in Title 1, Chapter 6, Article 7.

**9-8.07.01 APPEAL FEE.**

The Building Official may collect and require an appeal fee to be paid at the time the written appeal notice is filed. The appeal fee shall be set by resolution of the City Council. The fee shall be calculated to recover the total City costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, preparation and services of notices and staff appearance at the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed. The Building Official may waive the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply with the notice and order. Any denial to waive the appeal fee by the Building Official may be appealed pursuant

to the appeal procedures set forth in Title 1, Chapter 4.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March 2007, by Councilmember Olsen, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: \_\_\_\_\_



JIM RIDENOUR, Mayor

ATTEST:

By: Jean Morris  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3436-C.S.

FINAL ADOPTION CLAUSE

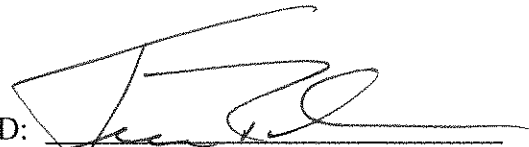
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

APPROVED:

  
MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: April 12, 2007

ORDINANCE NO. 3437-C.S.

AN ORDINANCE ADDING CHAPTER 18 ENTITLED  
“PROHIBITION AGAINST UNDERAGE DRINKING AND  
SOCIAL HOST LIABILITY” TO TITLE 4 OF THE MODESTO  
MUNICIPAL CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 18 entitled “Prohibition  
Against Underage Drinking and Social Host Liability” is hereby added to Title 4 of the Modesto  
Municipal Code to read as follows:

**CHAPTER 18. PROHIBITION AGAINST UNDERAGE DRINKING  
AND SOCIAL HOST LIABILITY**

**4-18.01. TITLE.**

This Chapter shall be known as the “Prohibition Against Underage Drinking and  
Social Host Liability Ordinance”.

**4-18.02. LEGISLATIVE FINDINGS.**

- (a) Minors often obtain, possess, or consume alcoholic beverages at gatherings held at private residences or other private property, places or premises, including rented commercial premises which are under the control of a person who knows or should know of the consumption of alcoholic beverages by minors yet persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages by minors at these gatherings.
- (b) Consumption of alcoholic beverages by minors who are under the legal age to consume alcohol in the State of California, is harmful to the minors themselves and poses an immediate threat to the public health, safety and welfare in that it increases alcohol abuse by minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by local law enforcement.
- (c) Law enforcement responses to gatherings involving consumption of

alcoholic beverages by minors often requires extensive resources to manage the incident. Further, when law enforcement personnel respond to gatherings involving the consumption of alcoholic beverages by minors it takes away valuable resources from other service calls in the community, thereby placing the community at increased risk. Law enforcement, fire and emergency response services are not currently reimbursed for the response cost associated when called to a premise or gathering where minors obtain, possess, or consume alcoholic beverages.

- (d) The prohibitions found in this Chapter are reasonable and expected to deter the consumption of alcoholic beverages by minors by holding responsible persons who know of, or should know of, the illegal conduct yet fail to stop or prevent it. In addition, the revenue received by the City of Modesto after cost reimbursement will be directed toward alcohol abuse and prevention education programs in the community.

#### **4-18.03. INTENT AND PURPOSE.**

The purposes of this Chapter are:

- (a) To protect public health, safety and general welfare;
- (b) To enforce laws prohibiting the service to and consumption of alcoholic beverages by minors; and
- (c) To reduce the costs of providing law enforcement, fire, and other emergency response services to premises where alcoholic beverages are served to or consumed by a minor, by holding the responsible person, social host and/or landowners responsible for the costs associated with providing law enforcement and other emergency response services.

#### **4-18.04. DEFINITIONS.**

The terms used in this chapter have the meaning provided by state law except as expressly provided herein.

- (a) “Adult” is any person over the age of eighteen (18) years.
- (b) (1) “Alcoholic Beverage” includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in section 23004 of

the Business and Professions Code, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

- (2) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (c) "Response Costs" are the costs associated with response by law enforcement, fire, or other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative cost associated with or attributed to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment in, responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to enforcement of Sections 4-18.05 and 4-18.06.
- (d) "Family Gathering" is a gathering where each minor present is supervised by his or her parent or legal guardian.
- (e) "Legal Guardian" means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.
- (f) "Minor" is any person under the age of twenty-one (21) years.
- (g) "Juvenile" is any person under the age of eighteen (18) years.
- (h) "Parent" is a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.
- (i) "Gathering" is a party, gathering or event where a group of two (2) or more persons have assembled or are assembling for a social occasion or social activity.
- (j) "Premise" means any residence or other private property, place, or

premises, including any commercial or business premises.

- (k) “Social Host” is a person who knowingly hosts, permits, or allows a gathering to take place where one or more minors consume one or more alcoholic beverages on property owned or controlled by the person and the person knows or reasonably should have known that the minor is consuming or has consumed an alcoholic beverage.
- (l) “Responsible person” means a person or persons with a right of possession in the premises including, but not limited to:
  - (1) An owner of the residence or other private property, place or premises, including any commercial or business premises;
  - (2) A tenant or lessee of the residence or other private property, place or premises, including any commercial or business premises;
  - (3) The landlord of another person responsible for the gathering;
  - (4) The person(s) in charge of the residence or other private property, place or premises, including commercial or business premises; and
  - (5) The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.
  - (6) If a responsible person or social host for the party or gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Chapter. To incur liability for response costs imposed by this Chapter, the responsible person or social host for the gathering must be aware of the gathering, but need not be present at such gathering which results in the imposition of response costs pursuant to this Chapter.

**4-18.05. CONSUMPTION OF ALCOHOL BY MINOR PROHIBITED IN PUBLIC PLACE, PLACE OPEN TO PUBLIC, OR PLACE NOT OPEN TO PUBLIC.**

Except as permitted by state law, it is unlawful for any minor to:

- (a) Consume at any public place or any place open to the public any alcoholic

beverage; or

- (b) Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverages that minor is being supervised by his or her own parent or legal guardian.

**4-18.06. HOSTING, PERMITTING, ALLOWING A PARTY, GATHERING OR EVENT WHERE MINORS CONSUME ALCOHOLIC BEVERAGES PROHIBITED.**

- (a) It is unlawful and a misdemeanor for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor is or has consumed an alcoholic beverage or reasonably should have known that a minor is or has consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of alcoholic beverages by a minor as set forth in subsection (b) of this section.
- (b) It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps include, but are not limited to, (i) controlling access to alcoholic beverages at the gathering, (ii) controlling the quantity of alcoholic beverages at the gathering, (iii) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure minors do not consume alcoholic beverages while at the gathering, and (iv) supervising the activities of minors at the gathering.
- (c) This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, section 4, of the California Constitution or if the event is a family gathering.
- (d) This section shall not apply to any California Department of Alcoholic Beverages Control licensee at any premises regulated by the Department of Alcoholic Beverages Control.

**4-18.07. PRIMA FACIE EVIDENCE.**

Whenever a responsible person and/or social host having control of the premises is present at the premises at the time that a minor obtains, possesses, or consumes any alcoholic beverage, it shall be prima facie evidence that such adult had the knowledge or should have had the knowledge, that the minor obtained, possessed, or consumed an alcoholic beverage at the gathering.

**4-18.08. SEPARATE VIOLATION FOR EACH INCIDENT.**

Each incident in violation of Sections 4-18.05 and 4-18.06 shall constitute a separate offense.

**4-18.09. ENFORCEMENT AUTHORITY.**

The Modesto Police Department is authorized to administer and enforce the provisions of this chapter. The City Attorney and the Police Chief and/or their designees may exercise any enforcement powers provided by law.

**4-18.10. ENFORCEMENT REMEDIES.**

In addition to any other remedies available by law, including criminal prosecution, the City of Modesto may seek administrative penalties, response costs, and any other cost associated with enforcement of Sections 4-18.05 and 4-18.06, through all remedies or procedures provided by statute, ordinance, or law. Sections 4-18.05 and 4-18.06 shall not limit the authority of peace officers to make arrests for any criminal offense arising out of conduct regulated by Sections 4-18.05 and 4-18.06.

If a violation of Sections 4-18.05 and/or 4-18.06 is prosecuted administratively the mandatory minimum penalty shall be five hundred dollars (\$500.00) for the 1st offense, one thousand dollars (\$1,000.00) for a 2nd offense, and one thousand five hundred dollars (\$1,500.00) for a 3rd offense in a twelve-month period.

**4-18.11. PUBLIC NUISANCE AND RECOVERY OF RESPONSE COSTS.**

- (a) In addition to any other remedies available by law, a violation of Section 4-18.05 and/or 4-18.06 shall constitute a public nuisance, as an immediate threat to the public health, safety and welfare.
- (b) As a public nuisance, the gathering of underage drinkers may be summarily abated by Police by all reasonable means, singularly or in

combination, including, but not limited to:

- (1) An order requiring the gathering to be disbanded;
  - (2) Issuance of an administrative citation under this Chapter;
  - (3) Issuance of an administrative citation, misdemeanor citation and/or arrest of any law violators under any other applicable ordinances and/or statutes.
- (c) When law enforcement, fire, or other emergency response provider responds to a gathering at which a minor obtains, possesses, or uses alcoholic beverages within the City of Modesto all responsible persons and/or social host(s) shall be jointly and severally liable for the City of Modesto's response costs to abate the nuisance.

#### **4-18.12. BILLING AND COLLECTION.**

- (a) The amount of response costs shall be deemed a debt owed to the City of Modesto by the responsible person and/or social host. If a juvenile, by the juvenile's parents or guardians. Any person owing such costs shall be liable in a civil action brought in the name of the city for recovery for such costs, including reasonable attorney fees.

Notice of the costs for which the responsible person is liable shall be mailed via first-class mail. The notice shall contain the following information:

- (1) The name of the person(s) being held liable for the payment of such costs;
- (2) The address of the private property or private premises where the party occurred;
- (3) The date and time of the response;
- (4) The law enforcement, fire, or emergency service provider(s) who responded;
- (5) An itemized list of the response costs for which the person(s) in being held liable.

The responsible person must remit payment of the noticed response costs to the Modesto Police Department within thirty (30) calendar days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal pursuant to Section 4-18.15.

- (b) The failure of any person to pay the penalties assessed by an administrative citation and/or response costs within the time specified on the administrative citation or response cost bill may result in the Police Chief or his/her authorized designee referring the matter to the Finance Department or other designated agent for collection. The Police Chief or his/her designated agent may pursue any other legal remedy to collect the penalties and/or response costs including the recording of a code enforcement lien pursuant to the procedures set forth in 1-6.701.

#### **4-18.13. SPECIAL FUND.**

- (a) There is hereby established a special fund for the purposes of receiving and expending civil penalties and response costs collected. This special fund shall be known and designated as the Prevention of Underage Drinking Fund.
- (b) Expenditure of monies. The appropriation of all monies in the Prevention of Underage Drinking Fund shall be made exclusively for the purposes of Prevention of Underage Drinking Programs within the City of Modesto.

The underage drinking program shall include the enforcement of, education for, and prevention of underage drinking. Expenditures shall include, but not be limited to, purchase of equipment, contractual services, material and supplies, or any other expenditures related to the prevention of underage drinking with the City of Modesto. The administration of the fund shall conform to this code and all accounting principles practiced by the City.

- (c) Accumulation of monies in the fund. The balance remaining in the Prevention of Underage Drinking Fund at the close of any fiscal year shall be deemed to have been provided for a specialized purpose and shall be carried forward and accumulated in said fund for the purposes set forth herein.

#### **4-18.14. APPEALS.**

- (a) Any person upon whom is imposed a fine/penalty pursuant to Section 4-

18.10 and/or response costs pursuant to Section 4-18.11 shall have the right to appeal the imposition of such fine/penalty or response costs pursuant to the appeal procedures set forth at 1-6.501 through 1-6.509 of the Modesto Municipal Code.

- (b) Failure to appeal shall constitute a failure to exhaust administrative remedies and result in the citation and/or response cost becoming a final administrative enforcement order.

#### **4-18.15. SEVERABILITY.**

If any provisions of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2007 by Councilmember Marsh, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Keating, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3437-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: April 26, 2007



ORDINANCE NO. 3438-C.S.

AN ORDINANCE AMENDING SECTION 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE 3 OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code is hereby amended to read as follows:

**3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.**

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BANGS AVENUE, between Dale Road and McHenry Avenue	45 miles per hour	January 2, 2007
BLUE GUM AVENUE, between Morse Road and Carpenter Road	35 miles per hour	March 19, 2003
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	May 6, 2003
BRIGGSMORE AVENUE, between Tully Road and McHenry Avenue	45 miles per hour	September 2, 2004
BRIGGSMORE AVENUE, westbound between McHenry Avenue and Coffee Road	45 miles per hour	May 6, 2003

BRIGGSMORE AVENUE, eastbound between McHenry Avenue and Coffee Road	45 miles per hour	May 10, 2002
BRIGGSMORE AVENUE, between Coffee Road and Oakdale Road	50 miles per hour	May 6, 2003
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	50 miles her hour	December 5, 2006
BRIGGSMORE AVENUE, between Claus Road and Santa Fe Railroad Tracks	45 miles per hour	May 22, 2002
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	May 10, 2002
CALIFORNIA AVENUE, between Carpenter Road and Martin Luther King Drive	30 miles per hour	July 11, 2002
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue	40 miles per hour	February 21, 2003
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard	40 miles per hour	September 4, 2000
CARPENTER ROAD, between Maze Boulevard and Paradise Road	50 miles per hour	August 25, 2004
CARVER ROAD, between Bangs Avenue and Pelandale Avenue	35 miles per hour	December 5, 2006
CARVER ROAD, between Pelandale Avenue and Brixton Lane	30 miles per hour	December 5, 2006
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	30 miles per hour	December 7, 2006

CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	December 6, 2006
CARVER ROAD, between Orangeburg Avenue and 9th Street	30 miles per hour	December 6, 2006
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	May 17, 2002
CLAUS ROAD, between Sylvan Avenue and Briggsmore Avenue	50 miles per hour	May 23, 2002
CLAUS ROAD, between Briggsmore Avenue and Scenic Drive	45 miles per hour	May 23, 2002
CLAUS ROAD, between Scenic Drive and Yosemite Boulevard	50 miles per hour	September 4, 2000
COFFEE ROAD, between Claratina Avenue and Sylvan Avenue	40 miles per hour	October 7, 2004
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue	40 miles per hour	February 26, 2003
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	40 miles per hour	May 7, 2003
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	40 miles per hour	February 21, 2003
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	February 21, 2003
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	February 21, 2003
COLLEGE AVENUE, between Princeton Avenue and Needham Avenue	25 miles per hour	February 21, 2003

CREEKWOOD DRIVE, between Claus Road and Yosemite Boulevard	35 miles per hour	May 7, 2003
CROWS LANDING ROAD, between 7th Street and Hatch Road	35 miles per hour	May 7, 2003
CROWS LANDING ROAD, between Hatch Road and Whitmore Avenue	35 miles per hour	May 7, 2003
DALE ROAD, northbound and southbound, between Bangs Avenue and Kiernan Avenue	40 miles per hour	October 13, 2006
DALE ROAD, between Pelandale Avenue and Snyder Avenue	40 miles per hour	September 4, 2000
DALE ROAD, between Snyder Avenue and Veneman Avenue	40 miles per hour	May 16, 2002
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	May 16, 2002
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	June 18, 2002
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	40 miles per hour	May 7, 2003
EMERALD AVENUE, between Maze Boulevard and California Avenue	30 miles per hour	May 28, 2002
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	May 21, 2002
FLOYD AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 11, 2002

FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	July 10, 2002
FLOYD AVENUE, eastbound and westbound, between Oakdale Road and Roselle Avenue	35 miles per hour	January 9, 2007
FLOYD AVENUE, between Roselle Avenue and Fine Avenue	35 miles per hour	July 10, 2002
FLOYD AVENUE, eastbound and westbound, between Fine Avenue and Claus Road	35 miles per hour	October 12, 2006
GRANGER AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	May 6, 2003
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	May 6, 2003
HATCH ROAD, between Carpenter Road and Crows Landing Road	45 miles per hour	September 4, 2000
JEFFERSON STREET, between Maze Boulevard and Paradise Road	30 miles per hour	February 19, 2004
KANSAS AVENUE, between Morse Road and Rosemore Avenue	40 miles per hour	May 6, 2003
KANSAS AVENUE, between Rosemore Avenue and Carpenter Road	40 miles per hour	May 6, 2003
KANSAS AVENUE, between Carpenter Road and Emerald Avenue	35 miles per hour	May 6, 2003
KANSAS AVENUE, between Emerald Avenue and Ninth Street	35 miles per hour	May 6, 2003

LA LOMA AVENUE, between Burney Street and Yosemite Boulevard	30 miles per hour	September 4, 2000
LAKWOOD AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	February 26, 2003
LINCOLN AVENUE, between Dry Creek and Yosemite Boulevard	35 miles per hour	September 4, 2000
MABLE AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	July 10, 2002
MARTIN LUTHER KING DRIVE, between Maze Boulevard and Paradise Road	30 miles per hour	June 13, 2002
MERLE AVENUE, between Oakdale Road and Roselle Avenue	30 miles per hour	February 26, 2003
MERLE AVENUE, between Roselle Avenue and Claus Road	35 miles per hour	May 13, 2003
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	May 7, 2003
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	May 7, 2003
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 24, 2002
MORSE ROAD, between Blue Gum Avenue and Kansas Avenue	40 miles per hour	May 24, 2002
MT. VERNON DRIVE, between Prescott Road and College Avenue	30 miles per hour	August 25, 2004
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	June 13, 2002

NEEDHAM STREET, between 9th Street and L Street	35 miles per hour	June 17, 2002
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 6, 2003
OAKDALE ROAD, between 1300 feet north of Mable Avenue and Sylvan Avenue	45 miles per hour	August 29, 2000
OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue	45 miles per hour	August 29, 2000
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	40 miles per hour	May 7, 2003
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	40 miles per hour	May 7, 2003
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	35 miles per hour	May 21, 2002
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	40 miles per hour	May 23, 2002
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	May 22, 2002
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	May 22, 2002
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	May 22, 2002
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	May 22, 2002

PARADISE ROAD, between Carpenter Road and Martin Luther King Drive	35 miles per hour	May 28, 2002
PARADISE ROAD, between Martin Luther King Drive and Washington Street	30 miles per hour	July 3, 2002
PELANDALE AVENUE, between Sisk Road and Dale Road	45 miles per hour	November 30, 2006
PELANDALE AVENUE, between Dale Road and McHenry Avenue	50 miles per hour	November 30, 2006
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	40 miles per hour	May 17, 2002
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	40 miles per hour	May 17, 2002
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	May 17, 2002
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	30 miles per hour	August 30, 2000
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	July 11, 2002
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	30 miles per hour	July 11, 2002
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	June 13, 2002

ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 24, 2002
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	June 13, 2002
ROSELLE AVENUE, between Sylvan Avenue and Floyd Avenue	40 miles per hour	February 26, 2003
ROSELLE AVENUE, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	November 4, 2000
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue	35 miles per hour	August 30, 2000
ROUSE AVENUE, between Colorado Avenue and Neece Drive	30 miles per hour	June 13, 2002
RUMBLE ROAD, between Sisk Road and Conant Avenue	30 miles per hour	May 17, 2002
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	May 17, 2002
RUMBLE ROAD, between Tully Road and McHenry Avenue	30 miles per hour	May 17, 2002
RUMBLE ROAD, between McHenry Avenue and Coffee Road	30 miles per hour	May 17, 2002
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive	30 miles per hour	November 4, 2000
SCENIC DRIVE, between Burney Street and Coffee Road	35 miles per hour	June 17, 2002

SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	June 17, 2002
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	40 miles per hour	June 17, 2002
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	40 miles per hour	June 17, 2002
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	June 17, 2002
SIERRA DRIVE, between G Street and 7th Street	25 miles per hour	January 23, 2004
SISK ROAD, between Pelandale Avenue and Standiford Avenue	40 miles per hour	November 28, 2006
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	November 29, 2006
SNYDER AVENUE, between Dale Road and Prescott Road	30 miles per hour	May 16, 2002
SNYDER AVENUE, between Prescott Road and Tully Road	30 miles per hour	May 16, 2002
STANDIFORD AVENUE, between Sisk Road and Prescott Road	45 miles per hour	May 13, 2003
STANDIFORD AVENUE, between Prescott Road and Tully Road	40 miles per hour	August 29, 2000
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	May 7, 2003
SUNRISE AVENUE, between Floyd Avenue and Lucern Avenue	30 miles per hour	May 24, 2002
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	May 7, 2003

SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	May 7, 2003
SYLVAN AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 7, 2001
SYLVAN AVENUE, between Oakdale Road and Roselle Avenue	40 miles per hour	February 27, 2003
SYLVAN AVENUE, between Roselle Avenue and Claus Road	45 miles per hour	February 27, 2003
TENAYA DRIVE, between Empire Avenue and the easterly city limit on Tenaya Drive	30 miles per hour	June 18, 2002
TULLY ROAD, between Bangs Avenue and Standiford Avenue	45 miles per hour	May 21, 2002
TULLY ROAD, between Standiford Avenue and Briggsmore Avenue	35 miles per hour	May 21, 2002
TULLY ROAD, between Briggsmore Avenue and Coldwell Avenue	35 miles per hour	June 13, 2002
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	May 28, 2002
UNION AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	August 29, 2000
VENEMAN AVENUE, between Dale Road and Regency Park Drive	30 miles per hour	July 10, 2002
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	May 24, 2002

WHITMORE AVENUE, between Ustick Road and Crows Landing Road	45 miles per hour	June 18, 2002
WHITMORE AVENUE, between Crows Landing Road and Morgan Road	40 miles per hour	June 18, 2002
WOODLAND AVENUE, between Morse Road and Carpenter Road	30 miles per hour	July 11, 2002
WOODLAND AVENUE, between Carpenter Road and 9th Street	30 miles per hour	June 13, 2002
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 21, 2002
5TH STREET, between L Street and Sierra Drive	25 miles per hour	May 28, 2002
6TH STREET, between M Street and Sierra Drive	30 miles per hour	May 28, 2002
7TH STREET BRIDGE, between B Street and River Road	30 miles per hour	August 30, 2000
9TH STREET, between Carpenter Road and Tully Road	45 miles per hour	June 13, 2002
9TH STREET, between Tully Road and L Street	35 miles per hour	May 23, 2002
9TH STREET, between D Street and Morton Boulevard	30 miles per hour	November 4, 2000

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption,

copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2007, by Councilmember Dunbar, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3438-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED:



MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: April 26, 2007



ORDINANCE NO. 3439-C.S.

AN ORDINANCE AMENDING SECTION 3-1.106 OF  
ARTICLE 1 OF CHAPTER 1 OF TITLE 3 OF THE MODESTO  
MUNICIPAL CODE RELATING TO FIRE CODE -  
ADMINISTRATIVE REMEDIES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-1.106 of Article 1 of  
Chapter 1 of Title 3 of the Modesto Municipal Code is hereby amended to read as follows:

**3-1.106. ADMINISTRATIVE REMEDIES.**

In addition to any other remedies set forth in this chapter, administrative penalties may be imposed against any person, as defined in Section 1-6.207 of this Code, for violating any of the requirements set forth in this chapter. Any administrative penalties assessed shall be as follows:

- (a) For violations of Section 3-1.128.1, possession, sale, use or discharge of dangerous fireworks, the administrative penalty shall be seven hundred fifty dollars (\$750.00) for each specific act found to be in violation of that section.
- (b) For all violations of this chapter, other than Section 3-1.128.1, possession, sale, use or discharge of dangerous fireworks, the amount of the administrative penalty shall be one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for a second violation within any twelve (12) month period, and five hundred dollars (\$500.00) for any subsequent violations within any twelve (12) month period.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the

City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April 2007, by Councilmember Marsh, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3439-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen

APPROVED: \_\_\_\_\_



MAYOR JIM RIDENOUR

ATTEST: \_\_\_\_\_

  
JEAN MORRIS, City Clerk

Effective Date: June 7, 2007



ORDINANCE NO. 3440-C.S.

AN ORDINANCE AMENDING SECTION 12-3-8 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(579), PROPERTY LOCATED ON THE EAST SIDE OF DALE ROAD, NORTH OF VENEMAN AVENUE. (DALE ROAD BUSINESS PARK, LLC)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(579):

P-O to P-D(579)

All that certain property situate in the northwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Parcel 3 as shown on that certain Parcel Map filed September 25, 1986 in Volume 38 of Parcel Maps, at Page 77, Stanislaus County Records;

Also including the easterly half of Dale Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(579) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Uses as allowed in the P-O (Professional Office) Zone.

SECTION 3. ZONING MAP. Section Map 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April 2007, by Councilmember Dunbar, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

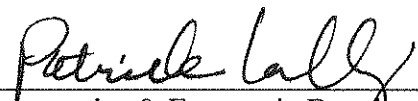
By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO DESCRIPTION:

By:   
Community & Economic Development  
Department – Planning Division

Ord. No. 3440-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen

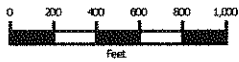
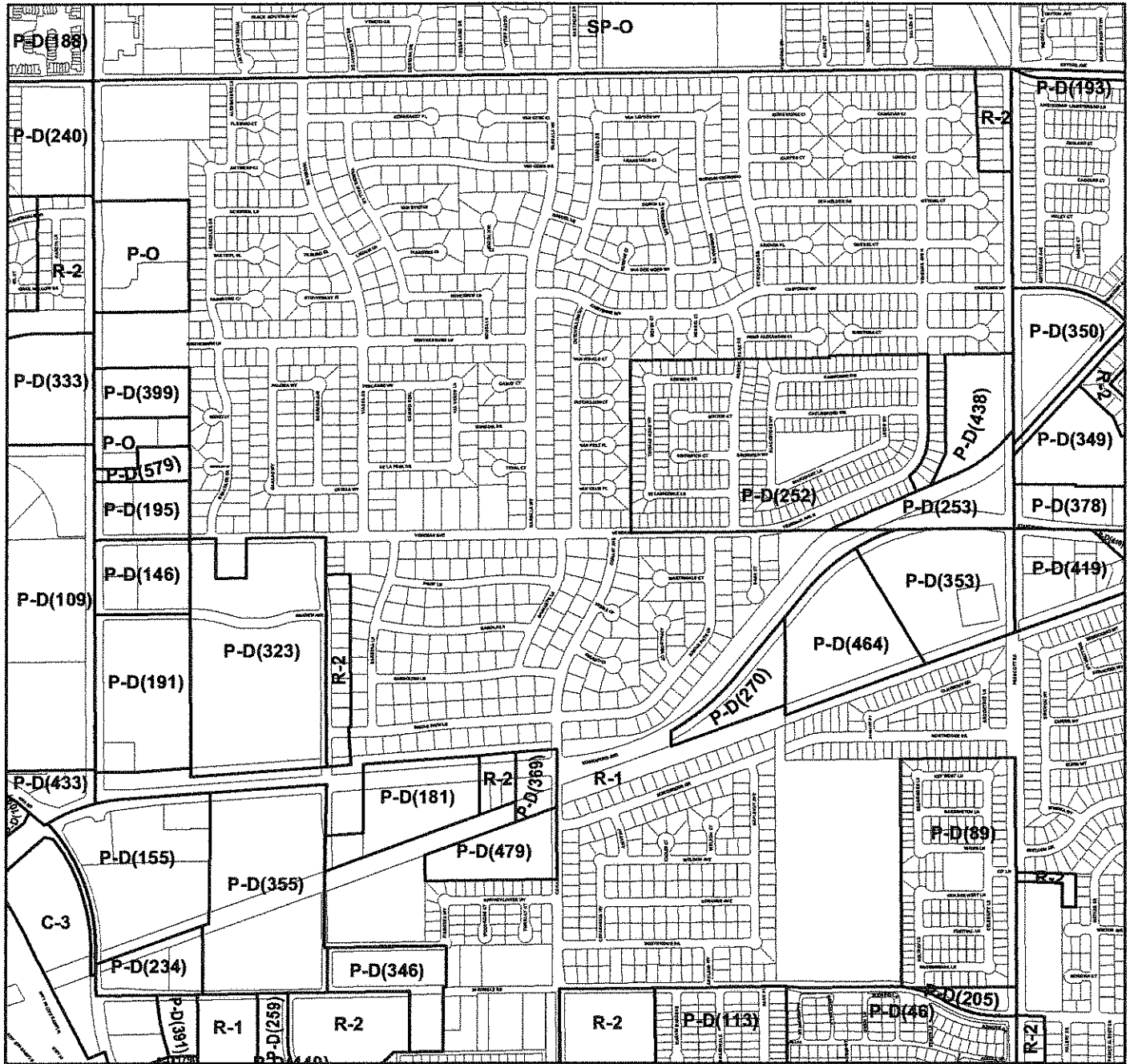
APPROVED:

  
MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: June 7, 2007



April 26, 2007

# City of Modesto Zoning Map 12-3-8



ORDINANCE NO. 3441-C.S.

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT  
BETWEEN THE CITY OF MODESTO AND THE BOARD OF ADMINISTRATION OF  
THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The Council of the City of Modesto does ordain as follows:

SECTION 1. That an amendment to the contract between the City of Modesto and the Board of Administration, California Public Employees' Retirement System effective June 26, 2007, is hereby authorized, a copy of said amendment being attached hereto, marked as Exhibit , and by such reference made a part hereof as though herein set out in full.

SECTION 2. The City Manager of the City of Modesto is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2007, by Councilmember Keating, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved:   
JIM RIDENOUR, Mayor

Attest:   
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3441-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
\_\_\_\_\_  
Mayor Jim Ridenour

ATTEST:   
\_\_\_\_\_  
Jean Morris, City Clerk

Effective Date: June 21, 2007



ORDINANCE NO. 3442-C.S.

AN ORDINANCE AMENDING SECTION 8-3.102 OF ARTICLE 1 OF CHAPTER 3 OF TITLE 8 OF THE MODESTO MUNICIPAL CODE RELATING TO CITY CONTRACTS - CONTRACTING AUTHORITY.

The City Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 8-1.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code is hereby amended to read as follows:

**8-3.102. CONTRACTING AUTHORITY.**

The City Manager may approve and authorize all contracts and purchase orders involving an expenditure of City funds in the total amount of fifty thousand dollars (\$50,000.00) or less. Except as noted below, no contract involving an expenditure in excess of fifty thousand dollars (\$50,000.00) may be authorized, approved or executed without City Council approval. The fifty thousand dollars (\$50,000.00) limit set forth in the preceding sentences does not apply to the following:

- (a) Contracts for public works projects consisting of the improvement or modification of traffic signals or signal systems including those street improvements which are incidental to or related to the improvement or modification of the traffic signal. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of two hundred fifty thousand dollars (\$250,000.00) or less.
- (b) Contracts for public works projects consisting of the construction, improvement, repair, expansion, renovation or modification of any facilities funded by a Mello-Roos Community Facilities District and involving an expenditure of District Facility Taxes in the amount of three million dollars (\$3,000,000.00) or less. The District Administrator may approve and authorize all contracts for such projects.
- (c) Contracts for public works projects consisting of the maintenance, repair, replacement, and improvement of existing water lines. The City Manager may approve and authorize all contracts for such projects involving an

- expenditure of City funds in the amount of three hundred thousand dollars (\$300,000.00) or less.
- (d) Contracts for public works projects consisting of the installation and establishment of water service connections associated with new development. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of seventy-five thousand dollars (\$75,000.00) or less.
  - (e) Contracts for public works projects consisting of repairs determined by the City Manager to be of urgent necessity for the preservation of life, health, or property. The City Manager may approve and authorize all contracts for such projects in the amount of two hundred thousand dollars (\$200,000.00) or less. Within ten (10) days of the authorization for any such work, the City Manager shall report to the City Council the circumstances of the emergency.
  - (f) Contracts for public works projects consisting of the construction, improvement, repair, expansion, renovation, or modification of any facilities associated with development and installed by the developer provided:
    - (1) That an agreement is approved by the City Council prior to commencement of construction of the works.
    - (2) The agreement clearly defines the work to be done and the basis for reimbursement.
    - (3) That total reimbursement required by the agreement is less than four hundred thousand dollars (\$400,000.00) in City funds.
  - (g) Contracts for public works projects consisting of the installation, construction, and improvement, of the Coffee-Claratina Dual Use Neighborhood Park/Storm Basin in the City of Modesto. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of one million five hundred thousand dollars (\$1,500,000.00) or less.
  - (h) Contracts for public works projects consisting of the installation and construction of any upgrade and/or rebuild of the City's Institutional Network (INET). The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the

amount of four million two hundred thousand dollars (\$4,200,000.00) or less.

- (i) Contracts for public works projects consisting of those improvements to the South Modesto water system identified in that certain technical memorandum prepared by West Yost and Associates dated October 17, 2005, as amended on November 7, 2005, for the benefit of the Galas Brothers Unit II Project bounded by Hatch Road, Estrella Way, Ironside Drive, Salazar Circle and Monticello Lane in the City of Modesto and any incidental work thereto. The City Manager may approve and authorize all contracts for this project involving a total expenditure of City funds not to exceed two million five hundred thousand dollars (\$2,500,000) or less.
- (j) Contracts for public works contracts consisting of the purchase, installation and replacement of water meters including an automated water meter reading (AMR) system and infrastructure work in conjunction with the system-wide water metering program. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of five million dollars (\$5,000,000) or less annually.
- (k) Contracts for paving and landscaping work to be done by City forces at the City's Traffic Operations Facility located at 117 Elm Street in the amount of one hundred thousand dollars (\$100,000) or less.

Any contract for a public works project which may be approved as set forth in subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) above of this section and authorized by the City Manager, District Administrator, or other authorized person, is not subject to the public bidding requirements of article 3 of this chapter or of Section 1307 of the Modesto City Charter. This section is adopted pursuant to Sections 801(1c) and 1307 of the Modesto City Charter. The City Manager may delegate his or her authority in a manner consistent with the procedures established by this chapter. As set forth in Section 2-2.03 of this Code, all

contract documents that require City Council approval shall be approved as to form by the City Attorney or the City Attorney's authorized representative before presentation to the City Council.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Keating, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3442-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: June 21, 2007

ORDINANCE NO. 3443-C.S.

AN ORDINANCE AMENDING SECTIONS 5-6.801, 5-6.802 AND 5-6.808 OF ARTICLE 8 OF CHAPTER 6 OF TITLE 5 OF THE MODESTO MUNICIPAL CODE RELATING TO COSTS AND FUNDING -- SEWER CAPACITY CHARGES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 5-6.801, 5-6.802 and 5-6.808 of Article 8 of Chapter 6 of Title 5 of the Modesto Municipal Code are hereby amended to read as follows:

**5-6.801. SEWER CAPACITY CHARGES.**

Each person owning property within the Sewer District shall pay a charge to the City for connection to the sewage system in accordance with the following rates:

- (a) **Residential.** A capacity charge shall be paid to the City for connection to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution.
- (b) **Commercial and Industrial.** A capacity charge shall be paid to the City for connection to the sewage system. Payment shall be made in accordance with a schedule approved by the Council from time to time by resolution.

**5-6.802. PAYMENT OF SEWER CAPACITY CHARGES.**

- (a) The sewer capacity charge set forth in Section 5-6.801(a) shall be paid for connection to the sewage system at the time a building permit is issued for a building or structure. In those cases where a building exists, the sewer capacity charge shall be collected at the time a plumbing permit is issued to connect said building or structure to the sewage system. The Council may, by resolutions adopted from time to time, establish conditions under which the sewer capacity charges set forth in Section 5-6.801(a) may be spread over a period of time and paid in installments.
- (b) The sewer capacity charge set forth in Section 5-6.801(b) shall be paid for

connection to the sewage system at the time connection is made or development occurs. The Council may, by resolution adopted from time to time, establish conditions under which the sewer capacity charges set forth in Section 5-6.801(b) may be spread over a period of time, and paid in installments.

**5-6.808. LIEN.**

Each sewer capacity charge, fee, and/or fine levied by or pursuant to this chapter on any premises within the Sewer District is hereby made a lien upon such premises, and any steps authorized by law may be taken by the City to enforce payment of such lien.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3443-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: June 21, 2007

**ORDINANCE NO. 3444-C.S.**

**AN ORDINANCE ADOPTING THE 2007-08 OPERATING BUDGET AND THE INTERIM CAPITAL IMPROVEMENT PROGRAM FOR 2007-08 FOR THE CITY OF MODESTO, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS**

The Council of the City of Modesto does ordain as follows:

WHEREAS, pursuant to the Charter of the City of Modesto, the City Manager presented a Proposed Operating Budget and Interim Capital Improvement Program for the 2007-08 Fiscal Year to the Finance Committee on May 4, 2007, and

WHEREAS, the Finance Committee reviewed the Proposed Budget and Interim Capital Improvement Program in a series of televised public workshops on May 14, 15, 16, and 17, 2007, and

WHEREAS, the Finance Committee recommended modifications to the Proposed Budget and Interim Capital Improvement Program and forwarded its recommendations on the proposed budget to the full City Council, and

WHEREAS, the City Council considered the recommendations of the Finance Committee, and

WHEREAS, in accordance with the City Charter, a duly noticed public hearing was held on May 22, 2007, relating to the adoption of the Proposed Budget, and

WHEREAS, prior to any discussion of the budget and prior to the final adoption, the City Council by separate motion considered each CIP project that could be the source of a potential conflict of interest to one or more members of the City Council without the

participation of those members, and

WHEREAS, copies of the Proposed Budget have been and are available for inspection by the public at the office of the City Clerk,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. ADOPTION OF BUDGET. That the proposed operating budget, a copy of which is on file in the City Clerk's Office, and the amendments to the proposed revenue budget as shown in Exhibit 1, amendments to the proposed expenditure budget as shown in Exhibit 2, and total revenue and expenditures with transfers as shown in Exhibit 3 is hereby adopted as the Fiscal Year 2007-08 Budget for the City of Modesto.

SECTION 2. ADOPTION OF BUDGET CONTROLS. That the budgetary control and authority policies defined in Exhibit 4 of this ordinance and incorporated herein by reference is hereby adopted for the Fiscal Year 2007-08.

SECTION 3. ADOPTION OF INTERIM CIP. That the Interim Capital Improvement Program defined in the Capital Improvement Program section of the Fiscal Year 2007-08 budget and incorporated herein by reference is hereby adopted as the Capital Improvement Program for the City of Modesto, and that funds identified in Exhibit 5 as Additional Funding or New Projects are hereby appropriated for the corresponding projects and shall be part of the Budget for the Fiscal Year 2007-08 adopted hereby.

SECTION 4. ENCUMBRANCES. That the funds of the City of Modesto encumbered on June 30, 2006, are hereby appropriated for the purposes for which they are

encumbered and shall be rolled over for the Fiscal Year 2007-08.

SECTION 5. MULTI-YEAR OPERATING PROGRAMS. That unexpended funds appropriated to Multi-Year Programs on June 30, 2006 are hereby re-appropriated for the projects for which they were appropriated, as identified in Exhibit 6, and shall be part of the Budget for the Fiscal Year 2007-08 adopted hereby.

SECTION 6. COUNCIL POLICIES. That the Policy Issues outlined in the staff report dated May 22, 2007 have been reviewed and are hereby approved.

SECTION 7. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go in effect and be in full force and operation immediately upon adoption.

SECTION 8. PUBLICATION. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2007, by Councilmember Keating, who moved its adoption, and passage to print, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Keating, Olsen, Mayor Ridenour

NOES: Councilmembers: O'Bryant

ABSENT: Councilmembers: Marsh

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:   
JEAN MORRIS, City Clerk

(seal)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3444-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June 2007, Councilmember Keating moved its final adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Olsen, Mayor Ridenour

NOES: Councilmembers: O'Bryant

ABSENT: Councilmembers: Marsh

APPROVED: \_\_\_\_\_

  
MAYOR JIM RIDENOUR

ATTEST: \_\_\_\_\_

  
JEAN MORRIS, City Clerk

Effective Date: July 5, 2007



## Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>General Fund (0100)</b>	
<b>Property Taxes</b>	
1101 Current Year Secured Taxes	14,378,785
1105 Delinquent Taxes - Unsecured	24,041
1107 Current Yr Unsecured Taxes	636,510
1110 Supplemental Roll	1,931,794
1116 In-Lieu Property Taxes	6,707
1119 Property Transfer Taxes	1,078,530
Total	18,056,367
<b>Sales &amp; Related Taxes</b>	
1201 Sales & Use Taxes	22,013,994
1202 Triple Flip	7,406,532
1204 Utility User Taxes	20,238,990
1210 Transient Occupancy Taxes	2,301,737
Total	51,961,253
<b>Franchises</b>	
1301 Cable TV Franchise	818,739
1304 PG&E Franchise	459,654
1305 PG&E Franchise Surcharge (SB278)	127,045
1307 Garbage Service Agreement Fees	1,479,724
1313 Railroad Franchise	6,180
1314 Franchise Fee - City Towing	225,000
Total	3,116,342
<b>Business License Tax</b>	
1401 Business License Registration	855,350
1404 Business License Mill Tax	10,300,030
Total	11,155,380
<b>Licenses &amp; Permits</b>	
2101 Bicycle License	250
2202 Various Police Permit	30,000
2203 Permits Vendors - Filming	100
2207 Removal Permit	3,310
2210 Encroachment Permit	40,200
2213 Strt Closure & Abandonment Fee	5,901
2214 Outdoor Promo/Sales Permit	12,000
Total	91,761
<b>Intergovernmental</b>	
3104 Homeowner Property Tax Exempt Replace	276,915
3118 Abandoned Vehicle Allocation	150,000
3119 Motor Vehicle License Fee	1,507,399
3121 VLF Swap	15,704,296
3128 Police Training Reimb Post	175,000
3172 Prop 172 Sales Tax Allocation	775,000
3173 McHenry Tax Sharing Agreement	1,244,961
3312 County Vehicle Theft Allocation	101,000
3325 CTY HSG Auth Officer Reimb	52,000
3706 JPA Administration Fee	42,034
3727 School Police Reimbursement	450,000

# Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>General Fund (0100)</b>	
<b>Intergovernmental</b>	
3730 School District Contribution	65,000
3762 Federal Gov't Airport Sec Reim	130,000
3765 Weed and Seed	53,112
4962 Equipment Rental	4,750
<b>Total</b>	<b>20,731,467</b>
<b>Construction Related Fees</b>	
4000 Map Checking Fee	39,721
4001 Building Fee - All Inclusive	690,773
4002 Building Inspection	997,849
4003 Plumbing Inspection	85,441
4004 Electrical Inspection	132,924
4005 Heating/Cooling Code Inspect	111,265
4006 Mobile Home Inspection	13,957
4007 Plan Checking Fee	530,790
4008 Zoning Fee	138,112
4009 Environmental Impact Fee	6,750
4010 Plot Plan Review Fee	60,522
4011 Subdivision Application/Development	342,328
4012 Annexation Fee	41,206
4014 Earthquake Education Fee	1,920
<b>Total</b>	<b>3,193,558</b>
<b>Police &amp; Fire Department Charges</b>	
4021 Extradition Reimb	35,000
4022 Animal Shelter Fee	100,000
4024 Fingerprint Fee	7,500
4025 Contract Police Service	300,000
4027 LiveScan	85,000
4028 Vehicle Release - Police Dept	350,000
4029 Safety Response Reimb	80,000
4030 Reposition Release	3,500
4032 Hood & Duct Installation	1,500
4035 Undergrd Flam/Comb Stork Tank	2,000
4037 Plan Check	90,000
4039 Sprinkler System	25,000
4042 Industrial Fire Contract	226,000
4043 False Alarm Response Fee	5,000
4061 Police Services Reimbursement	165,000
4062 YCCD Training Partnership	115,000
<b>Total</b>	<b>1,590,500</b>
<b>Highway &amp; Streets Maintenance</b>	
4050 Traffic Mitigation	477,927
<b>Total</b>	<b>477,927</b>
<b>Recreation &amp; Neighborhood Fees</b>	
1319 John Thurman Field Franchise	95,000
1325 Park Concession	5,000
4064 Contract Tree Work	2,000
4065 Commercial Landscape Fee	30,000

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## General Fund (0100)

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### Recreation & Neighborhood Fees

4066 Parks Reservation Fee	48,000
4068 Youth Services Program Fee	65,824
4069 Excursion Program Fee	9,000
4071 Swimming Pool Fee	57,000
4072 League Fee	183,000
4074 Miscellaneous Recreation	118,500
4081 Services - Center Plaza	2,000
6208 John Thurman Field Rental	5,000
6209 Ball Field Rental	21,500
6211 McHenry Museum Fees	1,000
6215 McHenry Mansion Rental	25,000
6216 Mancini Bowl Rental	6,300
6228 Senior Citizens Center Rental	5,000
8123 Special Events Insurance	250

Total 679,374

### Other Fees & Charges

4085 Salary Reimbursement Agreement	27,074
4091 Revenue Bond Admin Fee	42,000
4092 Copying Fee	16,925
4093 City Billing Fee	609,707
4095 Miscellaneous Special Service	528,153

Total 1,223,859

### Interest & Rent

6101 Interest on Bank Accounts	470,000
6201 Lease of Land	40,000
6225 City Building Rental - Other	32,500

Total 542,500

### Fines

7101 General City Fines	185,017
7113 Parking Fine	750,000
7120 Compliance Order Fine (NPU)	50,000

Total 985,017

### Miscellaneous Revenue

4151 Maintenance Fee - General Plan	61,675
4154 Fire Alarm Oct 03	14,000
4155 Plan Review Oct 03	
4156 Inspection Oct 03	2,000
4240 Outside City Water Agreement	1,000
4340 Outside City Water Agreement	5,000
4908 Indirect Cost Recovery	3,036,753
4909 Interfund Labor Charges	5,531,646
5101 Special Assessments	31,000
5301 CFD One-Time Capital Tax	127,500
8107 Donations	2,000
8114 Evidence Release	4,000
8115 Vending Commission	1,500
8117 NEAT Program Receipts	20,000

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## General Fund (0100)

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### Miscellaneous Revenue

8122 "Refund, Damage & Cost Recovery"	60,000
8133 ALS Contract	72,000
8134 Returned Check Charged	8,000
8137 Sale Const Code & Specification	1,193
8143 Items for Resale	13,825
8155 Miscellaneous Revenue	418,645
8174 Reimbursement Emer Comm Ctr	300,000

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Total 9,711,737

**Total General Fund (0100)**

**123,517,042**

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## Revenue Clearing Fund (0130)

Highway & Streets Maintenance  
4050 Traffic Mitigation

Total

Total Revenue Clearing Fund (0130)

## Capital Improvement Support (0300)

### Licenses & Permits

2210 Encroachment Permit

55,000

Total

55,000

### Construction Related Fees

4011 Subdivision Application/Development

100,000

Total

100,000

### Miscellaneous Revenue

4158 Time and Materials Inspection

40,000

4909 Interfund Labor Charges

3,011,328

8155 Miscellaneous Revenue

8,513

Total

3,059,841

Total Capital Improvement Support (0300)

3,214,841

## Solid Waste Fund (0310)

### Intergovernmental

3316 AB939 Reimbursement

170,000

Total

170,000

### Other Fees & Charges

4096 Recycling Program Fee

157,000

4097 Commercial Recycling Fee

30,000

4098 Industrial Recycling Fee

30,000

4108 Recycling Pub Ed

54,927

Total

271,927

### Fines

7120 Compliance Order Fine (NPU)

1,500

Total

1,500

### Miscellaneous Revenue

4100 Compost Bin Reimbursement

300

4909 Interfund Labor Charges

98,151

8103 Waste Energy Project Recovery

228,200

8155 Miscellaneous Revenue

600

8169 Ink Jet Misc Revenue

150

Total

327,401

Total Solid Waste Fund (0310)

770,828

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## Education-Govt Communication (0320)

<b>Miscellaneous Revenue</b>		
8145 Access Modesto Agency Contributions		132,965
	Total	132,965
<b>Total Education-Govt Communication (0320)</b>		<b>132,965</b>

## Elections/Outside Litigation (0350)

<b>Intergovernmental</b>		
3732 Modesto City Schools Election Reimburse		120,000
	Total	120,000
<b>Miscellaneous Revenue</b>		
8155 Miscellaneous Revenue		
	Total	
<b>Total Elections/Outside Litigation (0350)</b>		<b>120,000</b>

## Operating Grants Reimbursed (0410)

<b>Intergovernmental</b>		
3313 High Risk Offender & Juv Court		
	Total	
<b>Total Operating Grants Reimbursed (0410)</b>		

## Police Outside Agreement (0420)

<b>Intergovernmental</b>		
3313 High Risk Offender & Juv Court		101,820
	Total	101,820
<b>Total Police Outside Agreement (0420)</b>		<b>101,820</b>

## Local Transportation Fund (0510)

<b>Sales &amp; Related Taxes</b>		
1213 Local Transport Allocation		2,400,000
	Total	2,400,000
<b>Total Local Transportation Fund (0510)</b>		<b>2,400,000</b>

## Traffic Safety Fund (0600)

<b>Police &amp; Fire Department Charges</b>		
4028 Vehicle Release - Police Dept		80,000
	Total	80,000

## Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>Traffic Safety Fund (0600)</b>	
<hr/>	
<b>Fines</b>	
7110 Motor Vehicle Fine & Forfeiture	1,300,000
Total	1,300,000
<b>Total Traffic Safety Fund (0600)</b>	<b>1,380,000</b>
<b>Streets, Traffic &amp; Forestry (0700)</b>	
<hr/>	
<b>Licenses &amp; Permits</b>	
2211 Trench Cut Fee	8,000
2213 Strt Closure & Abandonment Fee	200
Total	8,200
<b>Intergovernmental</b>	
3110 S & H CS 2106B	750,000
3120 S&H CS 2105	1,200,000
3122 S&H CS 2107.5	10,000
3125 S&H CS 2107	1,700,000
Total	3,660,000
<b>Construction Related Fees</b>	
4008 Zoning Fee	30,000
4009 Environmental Impact Fee	7,000
4010 Plot Plan Review Fee	6,000
4011 Subdivision Application/Development	7,000
4012 Annexation Fee	200
4013 Canal Crossing Fee	5,000
4019 Subdivision Inspection	500
Total	55,700
<b>Police &amp; Fire Department Charges</b>	
4063 Traffic Signal Maintenance - Riverbank	1,400
Total	1,400
<b>Highway &amp; Streets Maintenance</b>	
4051 St Hiway Maintenance Agreement	32,000
4052 TRAF - Signal Maint Agreement	34,000
4053 Forced Construction Reimbursement	500
4055 Street Name Sign	9,000
4059 Traffic Signal Maintenance - Ceres	19,000
Total	94,500
<b>Interest &amp; Rent</b>	
6101 Interest on Bank Accounts	40,000
Total	40,000
<b>Miscellaneous Revenue</b>	
4158 Time and Materials Inspection	200
4160 Reciprocal Access Agreement	200
4161 ROW Abandonment	200
4909 Interfund Labor Charges	828,304
8122 "Refund, Damage & Cost Recovery"	5,100

# Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>Streets, Traffic &amp; Forestry (0700)</b>	
<hr/>	
Miscellaneous Revenue	
8155 Miscellaneous Revenue	11,278
Total	845,282
Total Streets, Traffic & Forestry (0700)	4,705,082

## **Downtown Improvement Dist (0900)**

<hr/>	
Business License Tax	
1410 Business License Mill Tax - DID	226,878
Total	226,878
Interest & Rent	
6101 Interest on Bank Accounts	600
Total	600
Total Downtown Improvement Dist (0900)	227,478

## **CDBG - Direct Program (1130)**

<hr/>	
Intergovernmental	
3513 CDBG Operating Grant	2,428,846
Total	2,428,846
Miscellaneous Revenue	
4909 Interfund Labor Charges	154,989
Total	154,989
Total CDBG - Direct Program (1130)	2,583,835

## **Housing Loan Program (1150)**

<hr/>	
Interest & Rent	
6100 Change in Fair Value of Investment	50,000
6104 Direct Loan Interest - CDBG	212,500
Total	262,500
Total Housing Loan Program (1150)	262,500

## **Public Service (1152)**

<hr/>	
Interest & Rent	
6104 Direct Loan Interest - CDBG	37,500
Total	37,500
Total Public Service (1152)	37,500

## **Home Program (1170)**

Intergovernmental

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## Home Program (1170)

<b>Intergovernmental</b>		
3517 HOME Grant		1,361,386
	Total	1,361,386
<b>Miscellaneous Revenue</b>		
4909 Interfund Labor Charges		25,509
6301 Direct Loan Principal		50,000
	Total	75,509
<b>Total Home Program (1170)</b>		<b>1,436,895</b>

## Emergency Shelter Program (1180)

<b>Intergovernmental</b>		
3518 Emergency Shelter Grant		104,098
	Total	104,098
<b>Total Emergency Shelter Program (1180)</b>		<b>104,098</b>

## Admin Capital Facility Fee Fund (1390)

<b>Miscellaneous Revenue</b>		
4152 CFF Sept 03		20,000
4166 CFF March 2006		100,000
	Total	120,000
<b>Total Admin Capital Facility Fee Fund (1390)</b>		<b>120,000</b>

## Village One (2600)

<b>Miscellaneous Revenue</b>		
5301 CFD One-Time Capital Tax		20,000
5302 CFD Annual Maintenance Tax		490,000
	Total	510,000
<b>Total Village One (2600)</b>		<b>510,000</b>

## Fairview Village (2640)

<b>Miscellaneous Revenue</b>		
5301 CFD One-Time Capital Tax		170,000
5302 CFD Annual Maintenance Tax		36,000
	Total	206,000
<b>Total Fairview Village (2640)</b>		<b>206,000</b>

## North Beyer (2650)

Miscellaneous Revenue

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## North Beyer (2650)

<b>Miscellaneous Revenue</b>		
5302 CFD Annual Maintenance Tax		9,500
	Total	9,500
<b>Total North Beyer (2650)</b>		<b>9,500</b>

## Enterprise Park 1998 (2660)

<b>Miscellaneous Revenue</b>		
5302 CFD Annual Maintenance Tax		16,500
	Total	16,500
<b>Total Enterprise Park 1998 (2660)</b>		<b>16,500</b>

## Carver/Bangs (2670)

<b>Miscellaneous Revenue</b>		
5301 CFD One-Time Capital Tax		5,000
5302 CFD Annual Maintenance Tax		192,100
	Total	197,100
<b>Total Carver/Bangs (2670)</b>		<b>197,100</b>

## Pelandale/Snyder (2680)

<b>Miscellaneous Revenue</b>		
5301 CFD One-Time Capital Tax		24,998
	Total	24,998
<b>Total Pelandale/Snyder (2680)</b>		<b>24,998</b>

## CFD - Village 1 #2 (2690)

<b>Miscellaneous Revenue</b>		
5301 CFD One-Time Capital Tax		20,000
5302 CFD Annual Maintenance Tax		463,000
	Total	483,000
<b>Total CFD - Village 1 #2 (2690)</b>		<b>483,000</b>

## North Beyer #2 CFD Fund (2710)

<b>Construction Related Fees</b>		
4048 CFD Formation Fee		64,500
	Total	64,500
<b>Total North Beyer #2 CFD Fund (2710)</b>		<b>64,500</b>

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## Kiernan Business Park West (2720)

<b>Construction Related Fees</b>		
4048 CFD Formation Fee		64,500
	Total	64,500
<b>Total Kiernan Business Park West (2720)</b>		<b>64,500</b>

## Kiernan Business Park South (2730)

<b>Construction Related Fees</b>		
4048 CFD Formation Fee		64,500
	Total	64,500
<b>Total Kiernan Business Park South (2730)</b>		<b>64,500</b>

## NorthPointe Village (2750)

<b>Miscellaneous Revenue</b>		
5302 CFD Annual Maintenance Tax		35,150
	Total	35,150
<b>Total NorthPointe Village (2750)</b>		<b>35,150</b>

## Coffee-Claratina (2800)

<b>Miscellaneous Revenue</b>		
5302 CFD Annual Maintenance Tax		158,000
	Total	158,000
<b>Total Coffee-Claratina (2800)</b>		<b>158,000</b>

## Infrastructure Fin Prgm Admin (2900)

<b>Miscellaneous Revenue</b>		
4909 Interfund Labor Charges		386,504
	Total	386,504
<b>Total Infrastructure Fin Prgm Admin (2900)</b>		<b>386,504</b>

## Parking Fund (6000)

<b>Interest &amp; Rent</b>		
6101 Interest on Bank Accounts		12,975
6201 Lease of Land		105,900
	Total	118,875
<b>Miscellaneous Revenue</b>		
4101 Off-Street Parking		109,635
4102 Metered Parking		115,784
4103 Validated Lots		850,545

## Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>Parking Fund (6000)</b>	
<hr/>	
<b>Miscellaneous Revenue</b>	
4909 Interfund Labor Charges	22,588
8155 Miscellaneous Revenue	30,850
Total	1,129,402
<b>Total Parking Fund (6000)</b>	<b>1,248,277</b>

### **Water Operations (6100)**

<b>Interest &amp; Rent</b>	
6101 Interest on Bank Accounts	431,000
Total	431,000
 <b>Miscellaneous Revenue</b>	
4163 Water Supply Analysis	5,000
4201 Water Sales - Flat Rate	30,775,070
4202 Water Sales - Metered	16,937,656
4210 Utility Misc Fees - Clearing	1,013,322
4909 Interfund Labor Charges	368,275
8121 Legal Settlement	157,696
Total	49,257,019
<b>Total Water Operations (6100)</b>	<b>49,688,019</b>

### **Water Development Fees (6101)**

<b>Miscellaneous Revenue</b>	
4250 Water Systems Fee	2,300,000
4251 Water Taps & Connections	500,000
4252 Fire Hydrant Connection Fee	45,000
4253 Water Meter Sales	150,000
Total	2,995,000
<b>Total Water Development Fees (6101)</b>	<b>2,995,000</b>

### **Wastewater Fund (6210)**

<b>Interest &amp; Rent</b>	
6101 Interest on Bank Accounts	300,000
Total	300,000
 <b>Miscellaneous Revenue</b>	
4301 Residential Sewer Service	11,822,080
4304 Commercial Sewer Service	3,471,275
4307 Empire Sanitary District	218,907
4310 Septic Tank Pumping	230,000
4313 Industrial Sewer Service	6,949,772
4355 Lab Fees	50,000
4909 Interfund Labor Charges	965,813
8122 "Refund, Damage & Cost Recovery"	1,000

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## Wastewater Fund (6210)

### Miscellaneous Revenue

8155 Miscellaneous Revenue

2,500

Total 23,711,347

Total Wastewater Fund (6210)

24,011,347

## Wastewater Development Fees (6211)

### Miscellaneous Revenue

4351 Sewer Recovery

39,050

4352 Sewer Bond Redemption Fee

500,000

4353 Subtrunk Extension Charge

122,000

Total 661,050

Total Wastewater Development Fees (6211)

661,050

## Storm Drainage Fund (6280)

### Highway & Streets Maintenance

4051 St Hiway Maintenance Agreement

12,000

Total 12,000

### Miscellaneous Revenue

4370 Storm Drainage Fee

5,130,000

4909 Interfund Labor Charges

81,519

Total 5,211,519

Total Storm Drainage Fund (6280)

5,223,519

## Compost Operations (6290)

### Miscellaneous Revenue

4380 Compost Sales

397,682

4382 Co-compost Sales

8,000

4387 Stockton Tip Fees

220,000

4388 Tip Fee Pruned Refuse/Forestry

100,000

4390 Tip Fee Haulers

661,000

Total 1,386,682

Total Compost Operations (6290)

1,386,682

## Airport Operating Fund (6310)

### Property Taxes

1113 Aircraft Taxes

210,000

Total 210,000

### Business License Tax

1401 Business License Registration

500

## Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>Airport Operating Fund (6310)</b>	
<b>Business License Tax</b>	
1404 Business License Mill Tax	30,000
Total	30,500
<b>Interest &amp; Rent</b>	
6201 Lease of Land	120,000
6225 City Building Rental - Other	45,000
Total	165,000
<b>Miscellaneous Revenue</b>	
4401 Special Concessions	5,000
4402 Airport Key Revenue	250
4404 Gallonage	75,000
4410 Airport Car Rental	150,000
4413 Airport Hangar Rental	325,000
4416 Airport Landing Fee	30,000
4419 Aircraft Tie-Down Fee	6,000
8146 Airport Security Service	1,000
Total	592,250
<b>Total Airport Operating Fund (6310)</b>	<b>997,750</b>

### **County Aircraft Tax (6330)**

<b>Intergovernmental</b>	
3404 County Airport App Cap Grant	184,000
Total	184,000
<b>Total County Aircraft Tax (6330)</b>	<b>184,000</b>

### **Bus Service - Fixed Route (6510)**

<b>Intergovernmental</b>	
3549 FTA 5307	1,183,598
Total	1,183,598
<b>Total Bus Service - Fixed Route (6510)</b>	<b>1,183,598</b>

### **Bus Service - DAR (6520)**

<b>Intergovernmental</b>	
3158 LTF Sales Tax	1,280,430
3549 FTA 5307	918,184
Total	2,198,614

## Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

### Bus Service - DAR (6520)

<b>Miscellaneous Revenue</b>		
4501 Passenger Rev Dial-A-Ride	160,000	
Total	160,000	
<b>Total Bus Service - DAR (6520)</b>		<b>2,358,614</b>

### Transportation Center (6530)

<b>Intergovernmental</b>		
3158 LTF Sales Tax	66,148	
3162 LTF Amtrak	54,778	
3549 FTA 5307	553,106	
Total	674,032	
<b>Interest &amp; Rent</b>		
6125 Telephone Commissions	6,000	
6201 Lease of Land	86,000	
Total	92,000	
<b>Miscellaneous Revenue</b>		
8115 Vending Commission	5,000	
Total	5,000	
<b>Total Transportation Center (6530)</b>		<b>771,032</b>

### Bus Fixed Route MAX Operations (6540)

<b>Intergovernmental</b>		
3158 LTF Sales Tax	6,187,207	
3161 STAF - Transit Operating Grant	2,024,579	
3549 FTA 5307	1,187,598	
Total	9,399,384	
<b>Miscellaneous Revenue</b>		
4504 Cash Fares & Daily Passes	1,234,478	
4507 Student Passes - Monthly	151,710	
4508 Bart Express Passes	85,000	
4510 E-H Passes - Monthly	182,846	
4511 E-H Ticket Books	31,600	
4514 Student Ticket Books	27,112	
4519 Regular Ride Book Sales	114,200	
4522 Regular Monthly Bus Passes	245,162	
4530 County Employee Fare Reimbursement	13,000	
4909 Interfund Labor Charges	74,494	
8148 Bus Advertising	90,000	
8149 Bus Bench Advertising	9,700	
Total	2,259,302	
<b>Total Bus Fixed Route MAX Operations (6540)</b>		<b>11,658,686</b>

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## Bus Fixed Route-Alt Transport (6550)

<b>Intergovernmental</b>		79,048
3531 Federal TEA - 21 CMAQ		79,048
Total		79,048
<b>Total Bus Fixed Route-Alt Transport (6550)</b>		<b>79,048</b>

## Golf Fund (6600)

<b>Recreation &amp; Neighborhood Fees</b>		
4076 Golf Team Rounds		16,000
4601 Muni Green Fee		406,610
4602 Dryden Green Fee		869,811
4603 Creekside Green Fee		956,583
4604 Annual Memberships		11,250
4605 First Tee Green Fees		1,300
4620 Muni Pro - Rent		60,000
4621 Dryden Pro - Rent		5,000
Total		2,326,554
<b>Interest &amp; Rent</b>		
6102 Trustee Interest/Inv Earnings		20,000
6201 Lease of Land		1,358
6203 Miscellaneous Fee		76,680
Total		98,038
<b>Total Golf Fund (6600)</b>		<b>2,424,592</b>

## Centre Plaza Fund (6700)

<b>Intergovernmental</b>		
4962 Equipment Rental		60,000
Total		60,000
<b>Recreation &amp; Neighborhood Fees</b>		
4081 Services - Center Plaza		30,000
4082 Commissions		245,000
8123 Special Events Insurance		7,000
Total		282,000
<b>Interest &amp; Rent</b>		
6101 Interest on Bank Accounts		3,000
6218 Room Rent - Centre Plaza		495,000
Total		498,000
<b>Miscellaneous Revenue</b>		
4909 Interfund Labor Charges		154,971
Total		154,971
<b>Total Centre Plaza Fund (6700)</b>		<b>994,971</b>

## Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

### Central Services (7100)

<b>Intergovernmental</b>		
4940 Copier Charges		26,000
	Total	26,000
<b>Total Central Services (7100)</b>		<b>26,000</b>

### Inventory Purchases (7110)

<b>Intergovernmental</b>		
4945 UPS Service - Stores		7,504
4947 Surplus Sales		11,000
4948 Cellular Phones Rental Stores		500
4951 Sales of Inventory - Stores		4,558,436
	Total	4,577,440
 <b>Miscellaneous Revenue</b>		
8155 Miscellaneous Revenue		15,000
	Total	15,000
<b>Total Inventory Purchases (7110)</b>		<b>4,592,440</b>

### Central Services - Mail (7120)

<b>Intergovernmental</b>		
4942 Mail Charges		285,176
	Total	285,176
<b>Total Central Services - Mail (7120)</b>		<b>285,176</b>

### Information Technology (7130)

<b>Intergovernmental</b>		
4935 Technology & Information Services		4,938,006
	Total	4,938,006
 <b>Miscellaneous Revenue</b>		
4909 Interfund Labor Charges		15,000
	Total	15,000
<b>Total Information Technology (7130)</b>		<b>4,953,006</b>

### Fleet Management Fund (7200)

<b>Intergovernmental</b>		
4961 Equipment Pool Charges		4,272,146
	Total	4,272,146
 <b>Miscellaneous Revenue</b>		

## Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>Fleet Management Fund (7200)</b>	
<hr/>	
<b>Miscellaneous Revenue</b>	
4909 Interfund Labor Charges	200,828
Total	200,828
<b>Total Fleet Management Fund (7200)</b>	<b>4,472,974</b>
<b>Fleet Equipment Replacement (7210)</b>	
<hr/>	
<b>Intergovernmental</b>	
4964 Equipment Pool Replacement	3,750,000
Total	3,750,000
<b>Total Fleet Equipment Replacement (7210)</b>	<b>3,750,000</b>
<b>Insurance - Administration (7310)</b>	
<hr/>	
<b>Miscellaneous Revenue</b>	
4909 Interfund Labor Charges	1,075,152
Total	1,075,152
<b>Total Insurance - Administration (7310)</b>	<b>1,075,152</b>
<b>Insurance - Workers Comp (7320)</b>	
<hr/>	
<b>Intergovernmental</b>	
4971 Premium Assessments	3,999,705
Total	3,999,705
<b>Interest &amp; Rent</b>	
6101 Interest on Bank Accounts	544,000
Total	544,000
<b>Total Insurance - Workers Comp (7320)</b>	<b>4,543,705</b>
<b>Insurance - Liability Insurance (7330)</b>	
<hr/>	
<b>Intergovernmental</b>	
4971 Premium Assessments	2,499,997
Total	2,499,997
<b>Interest &amp; Rent</b>	
6101 Interest on Bank Accounts	162,412
Total	162,412
<b>Miscellaneous Revenue</b>	
8119 Insurance Reimbursement	12,570
Total	12,570
<b>Total Insurance - Liability Insurance (7330)</b>	<b>2,674,979</b>

## Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

### Insurance - Property Insurance (7340)

<b>Intergovernmental</b>		
4971 Premium Assessments		401,258
	Total	401,258
<b>Interest &amp; Rent</b>		
6101 Interest on Bank Accounts		8,000
	Total	8,000
	<b>Total Insurance - Property Insurance (7340)</b>	<b>409,258</b>

### Insurance - Dental Insurance (7350)

<b>Intergovernmental</b>		
4971 Premium Assessments		1,329,496
	Total	1,329,496
	<b>Total Insurance - Dental Insurance (7350)</b>	<b>1,329,496</b>

### Insurance - Health (7360)

<b>Intergovernmental</b>		
4972 Premium Assessments - Other		13,206,350
	Total	13,206,350
	<b>Total Insurance - Health (7360)</b>	<b>13,206,350</b>

### Insurance - Disability (7370)

<b>Intergovernmental</b>		
4971 Premium Assessments		408,648
	Total	408,648
	<b>Total Insurance - Disability (7370)</b>	<b>408,648</b>

### Other Employee Insurance (7380)

<b>Intergovernmental</b>		
4971 Premium Assessments		450,592
	Total	450,592
	<b>Total Other Employee Insurance (7380)</b>	<b>450,592</b>

## Revenue Estimate Fiscal Year 2007-2008

	Revenue Estimate
<b>Insurance - Vision (7390)</b>	
<hr/>	
<b>Intergovernmental</b>	
4971 Premium Assessments	328,135
Total	328,135
<b>Total Insurance - Vision (7390)</b>	<b>328,135</b>
<b>Employee Benefits Mgmt (7510)</b>	
<hr/>	
<b>Intergovernmental</b>	
4913 EBF Leave Accrual	1,627,828
4991 Leave - Internal Charges	13,483,607
4994 PERS Miscellaneous	22,322,924
Total	37,434,359
<b>Interest &amp; Rent</b>	
6101 Interest on Bank Accounts	353,956
Total	353,956
<b>Total Employee Benefits Mgmt (7510)</b>	<b>37,788,315</b>
<b>Employee Benefits Admin (7520)</b>	
<hr/>	
<b>Intergovernmental</b>	
4971 Premium Assessments	282,037
Total	282,037
<b>Miscellaneous Revenue</b>	
8135 Deferred Comp Admin. Allowance	35,000
Total	35,000
<b>Total Employee Benefits Admin (7520)</b>	<b>317,037</b>
<b>Building Services (7800)</b>	
<hr/>	
<b>Intergovernmental</b>	
4910 Building Services Charges	2,193,722
Total	2,193,722
<b>Interest &amp; Rent</b>	
6225 City Building Rental - Other	45,000
Total	45,000
<b>Miscellaneous Revenue</b>	
4909 Interfund Labor Charges	9,858
Total	9,858
<b>Total Building Services (7800)</b>	<b>2,248,580</b>

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## JPA Building Services (8500)

### Intergovernmental

3311 County Share of Bldg Services	727,011
4911 City 1010 Mtc	714,460
4912 1010 Retail Share JPA Costs	85,222
4914 Cinema Share - JPA Costs	13,773
4915 1020 Share - JPA Costs	22,841
4916 Stan Cty Det - TSP Maintenance	18,000

Total 1,581,307

### Interest & Rent

6225 City Building Rental - Other	3,593
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Total 3,593

Total JPA Building Services (8500) 1,584,900

## Stanislaus Drug Enforce Agency (8850)

### Intergovernmental

3501 Federal Grant OCJP	150,000
3702 SDEA Contributions In-Kind	1,643,284
3703 SDEA Contribution Operation	584,302

Total 2,377,586

### Interest & Rent

6101 Interest on Bank Accounts	16,000
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Total 16,000

### Fines

7202 Seized Forfeiture	70,000
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Total 70,000

Total Stanislaus Drug Enforce Agency (8850) 2,463,586

## Tuolumne River Regional Park (8900)

### Intergovernmental

3701 TRRP Apportionment	413,403
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Total 413,403

### Recreation & Neighborhood Fees

6209 Ball Field Rental	12,000
6220 Picnic Area Rental	9,000

Total 21,000

### Other Fees & Charges

4095 Miscellaneous Special Service	5,000
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Total 5,000

# Revenue Estimate Fiscal Year 2007-2008

Revenue  
Estimate

## Tuolumne River Regional Park (8900)

**Interest & Rent**

6225 City Building Rental - Other

65,000

Total

65,000

**Total Tuolumne River Regional Park (8900)**

**504,403**

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**General Fund Total**  
**All Other Funds Total**

**Grand Total**

**336,614,053**

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>City Council Department</b>		
General Fund (0100)		
0101 City Council	208,136	
	<u>208,136</u>	
<b>City Council Department</b>	<b>Total</b>	<b>208,136</b>
<b>City Manager Department</b>		
General Fund (0100)		
0201 City Manager	1,319,994	
	<u>1,319,994</u>	
<b>City Manager Department</b>	<b>Total</b>	<b>1,319,994</b>
<b>City Manager Dept-Community Facilities Districts</b>		
Admin Capital Facility Fee Fund (1390)		
0260 CFF Administration	307,503	
	<u>307,503</u>	
Village One (2600)		
0207 CFD-Annual Maintenance Charges	450,000	
0227 CFD-Ann Maintenance Tax Admin	40,000	
0228 CFD-One Time Special Tax Admin	20,000	
	<u>510,000</u>	
Fairview Village (2640)		
0207 CFD-Annual Maintenance Charges	170,000	
0227 CFD-Ann Maintenance Tax Admin	36,000	
	<u>206,000</u>	
CFD Fairview Village-Debt Service (2642)		
0251 CFD Bond Issuance #1	311,701	
	<u>311,701</u>	
North Beyer (2650)		
0207 CFD-Annual Maintenance Charges	1,500	
0227 CFD-Ann Maintenance Tax Admin	8,000	
	<u>9,500</u>	
Enterprise Park 1998 (2660)		
0207 CFD-Annual Maintenance Charges	5,000	
0227 CFD-Ann Maintenance Tax Admin	11,500	
	<u>16,500</u>	
Carver/Bangs (2670)		
0207 CFD-Annual Maintenance Charges	170,000	
0227 CFD-Ann Maintenance Tax Admin	22,100	
0228 CFD-One Time Special Tax Admin	5,000	
	<u>197,100</u>	
Pelandale/Snyder (2680)		
0208 CFD-One Time Capital Expenses	24,998	
	<u>24,998</u>	

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>City Manager Dept-Community Facilities Districts</b>		
CFD - Village 1 #2 (2690)		
0207 CFD-Annual Maintenance Charges	425,000	
0227 CFD-Ann Maintenance Tax Admin	38,000	
0228 CFD-One Time Special Tax Admin	20,000	
	483,000	
CFD Village 1 #2 - Debt Service (2692)		
0251 CFD Bond Issuance #1	1,668,920	
	1,668,920	
North Beyer #2 CFD Fund (2710)		
0206 CFD-Formation Expenditures	64,500	
	64,500	
Kiernan Business Park West (2720)		
0206 CFD-Formation Expenditures	64,500	
	64,500	
Kiernan Business Park South (2730)		
0206 CFD-Formation Expenditures	64,500	
	64,500	
NorthPointe Village (2750)		
0207 CFD-Annual Maintenance Charges	23,000	
0227 CFD-Ann Maintenance Tax Admin	12,150	
	35,150	
Coffee-Claratina (2800)		
0207 CFD-Annual Maintenance Charges	140,000	
0227 CFD-Ann Maintenance Tax Admin	18,000	
	158,000	
Infrastructure Fin Prgm Admin (2900)		
0250 IFP Administration	242,141	
	242,141	
<b>City Manager Dept-Community Facilities Districts</b>	<b>Total</b>	<b>4,364,013</b>

### Personnel Department

General Fund (0100)	
0301 Personnel	1,644,058
0303 Training	156,586
0310 Personnel Committees & Commission	1,152
	1,801,796
Insurance - Administration (7310)	
0372 Risk Management	1,077,414
	1,077,414
Insurance - Workers Comp (7320)	
6610 Workers Compensation	4,543,705
	4,543,705
Insurance - Liability Insurance (7330)	
6611 Liability Insurance	2,674,979

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Personnel Department</b>		
Insurance - Liability Insurance (7330)		
6611 Liability Insurance	2,674,979	
	<u>2,674,979</u>	
Insurance - Property Insurance (7340)		
6612 Property Insurance	409,258	
	<u>409,258</u>	
Insurance - Dental Insurance (7350)		
6614 Dental Insurance	1,329,496	
	<u>1,329,496</u>	
Insurance - Health (7360)		
6613 Health Insurance	13,206,350	
	<u>13,206,350</u>	
Insurance - Disability (7370)		
6615 Disability Insurance	260,000	
	<u>260,000</u>	
Other Employee Insurance (7380)		
6616 Unemployment Insurance	184,050	
6617 Employee Assistance Program	26,063	
6618 Life Insurance	240,479	
	<u>450,592</u>	
Insurance - Vision (7390)		
6619 Vision Insurance	328,135	
	<u>328,135</u>	
Employee Benefits Mgmt (7510)		
0351 Employee Benefits Administration	0	
6650 Leave Usage City-Wide	15,465,391	
6651 Non-Insurance Benefits City-Wide	22,322,924	
	<u>37,788,315</u>	
Employee Benefits Admin (7520)		
0351 Employee Benefits Administration	471,968	
	<u>471,968</u>	
<b>Personnel Department Total</b>		<b>64,342,008</b>
<b>City Attorney Department</b>		
General Fund (0100)		
0401 City Attorney	2,099,775	
	<u>2,099,775</u>	
Elections/Outside Litigation (0350)		
0402 Outside Litigation	1,000,000	
	<u>1,000,000</u>	
<b>City Attorney Department Total</b>		<b>3,099,775</b>

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>City Clerk &amp; Auditor Department</b>		
General Fund (0100)		
0501 City Clerk	453,177	
0503 Auditor	262,007	
	715,184	
Elections/Outside Litigation (0350)		
0504 Elections	552,700	
	552,700	
Central Services - Mail (7120)		
0554 Central Services Mail	285,498	
	285,498	
<b>City Clerk &amp; Auditor Department</b>	<b>Total</b>	<b>1,553,382</b>

### Information Technology

General Fund (0100)		
0219 Cable Legal	66,500	
0704 Community Broadcasting	0	
	66,500	
Education-Govt Communication (0320)		
0703 Education/Government Cable	252,757	
	252,757	
Information Technology (7130)		
0740 IT Administration	579,026	
0742 Business Application/Development Services	1,356,870	
0743 Networks/Data Center	1,606,266	
0744 Technology & Equipment Replacement	962,986	
0745 Geographic Information Systems	450,243	
	4,955,391	
<b>Information Technology</b>	<b>Total</b>	<b>5,274,648</b>

### Finance Department

General Fund (0100)	
1201 Finance Administration	347,001
1205 Budget & Financial Analysis	1,089,805
1221 Cashiering	450,563
1222 Accounting Division	1,623,352
1223 Utilities & Collections	1,590,390
1224 Licensing	599,188
1225 Accounts Receivable	257,490
1232 Purchasing	605,557
1234 Citation Processing Services	0
	6,563,346
Central Services (7100)	
1252 Internal Service Copy	26,000

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Finance Department</b>		
Central Services (7100)		
1272 Internal Service Stores	0	
	<u>26,000</u>	
Inventory Purchases (7110)		
1272 Internal Service Stores	342,440	
8311 Internal Service Inventory Purchasing	4,250,000	
	<u>4,592,440</u>	
<b>Finance Department</b>	<b>Total</b>	<b>11,181,786</b>
<b>Community &amp; Economic Development Department</b>		
General Fund (0100)		
1400 Community Development	565,807	
1401 Building & Development Services	3,522,954	
1410 Planning Committees & Commission	12,860	
1421 Business Development	491,416	
1430 Planning Division	2,061,848	
	<u>6,654,885</u>	
Econ Dev/Strategic Plan (0800)		
1422 Economic Development	4,016	
1435 Housing Element Update	59,851	
1436 Northwest Business Park	0	
1437 Master (MEIR)	0	
	<u>63,867</u>	
Downtown Improvement Dist (0900)		
1442 Downtown Improvement District	226,870	
	<u>226,870</u>	
<b>Community &amp; Economic Development Department</b>	<b>Total</b>	<b>6,945,622</b>
<b>Fire Department</b>		
General Fund (0100)		
1802 Administration	316,985	
1805 Planning	522,780	
1810 Finance & Logistics	1,629,776	
1815 Emergency Response Vehicle Program	1,099,728	
1820 Investigation	763,134	
1822 Fire Prevention	738,835	
1830 Training	591,116	
1832 Emergency Operations	22,001,546	
	<u>27,663,900</u>	
<b>Fire Department</b>	<b>Total</b>	<b>27,663,900</b>

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Police Department</b>		
General Fund (0100)		
1901 Police Administration	2,871,963	
1902 Communications Center	3,503,409	
1907 SMART Program	490,796	
1921 Support Services	9,117,147	
1924 Stanislaus County Drug Enforcement Unit	391,639	
1930 PD Maintenance (Training Center)	40,000	
1932 Police Activities League (PAL)	63,324	
1934 Citation Processing	481,920	
1941 Investigation Services	11,731,248	
1961 Operations	22,634,348	
1964 Animal Control	827,755	
1965 Abandoned Vehicle Abatement	186,777	
1966 Traffic Unit	2,842,599	
1968 Weed and Seed	53,112	
1970 Stanislaus Drug Enforcement Agency	752,957	
	55,988,994	
Operating Grants Block Grants (0400)		
1921 Support Services	0	
	0	
Operating Grants Reimbursed (0410)		
2903 Safe Neighborhood Grant Program	0	
2905 GREAT Grant	0	
2967 MSTOP 05	0	
2969 Buckle Up Stainislaus County	0	
2985 COPS More Grant	0	
2989 MCS Community P.O. (Shackleford/Bret Harte)	0	
2993 COPS in School	0	
	0	
Police Outside Agreement (0420)		
2983 High Risk Offender Program	101,820	
	101,820	
Traffic Safety Fund (0600)		
1906 Traffic Safety	724,800	
	724,800	
Stanislaus Drug Enforce Agency (8850)		
1974 SDEA Grant	966,745	
1975 SDEA - Operating-JPA	1,532,136	
	2,498,881	
<b>Police Department</b>	<b>Total</b>	<b>59,314,495</b>

### Parks, Recreation & Neighborhoods Department

General Fund (0100)		
3001 Parks, Recreation & Neighborhoods Administration	971,230	

# Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Parks, Recreation &amp; Neighborhoods Department</b>		
General Fund (0100)		
3120 Parks Planning & Development	573,168	
3412 Modesto Centre Plaza	0	
3415 John Thurman Field	476,891	
3430 Convention & Visitor Bureau	326,875	
3522 Parks Services	6,060,983	
3611 Cultural Services General	434,731	
3612 Cultural Services Museum	119,934	
3613 Cultural Services Mansion	119,657	
3622 Cultural Services Promotions	59,000	
3631 Landmark Preservation Commission	1,279	
3701 Youth Development	507,818	
3712 Senior and Child Services	730,416	
3713 Sports & Aquatics Services	566,564	
3731 King Kennedy Memorial Center	331,489	
3732 Maddux Youth Center	453,020	
3770 Neighborhood Preservation	846,391	
3801 Guest Services	373,782	
3810 Rental Facilities	0	
3850 Modesto Sister Cities Contribution	28,440	
3916 TRRP Contribution	159,728	
4402 Solid Waste Management	0	
	13,141,396	
Solid Waste Fund (0310)		
4402 Solid Waste Management	755,701	
	755,701	
CDBG - Direct Program (1130)		
3252 CDBG Administration	700,656	
3254 Direct Services Non-Housing	1,182,310	
3256 CDBG Housing Rehabilitation	720,718	
	2,603,684	
Housing Loan Program (1150)		
3266 CDBG Rehab Revolving Loan Fund	262,500	
	262,500	
Public Service (1152)		
3270 CDBG RLF - Public Services	37,500	
	37,500	
Home Program (1170)		
3258 HOME Housing Development	164,757	
3259 Home-Direct Services	1,254,155	
3260 HOME Addition	17,880	
	1,436,792	
Emergency Shelter Program (1180)		
3257 Emergency Shelter Program	104,098	
	104,098	

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Parks, Recreation &amp; Neighborhoods Department</b>		
Parks Capital Fac Fee (1350)		
3199 Parks Capital Facility Fee Revenue	18,556	
	18,556	
Parking Fund (6000)		
3581 Parking Garage Maintenance	665,229	
3582 Surface Parking Lots	71,439	
3583 Eleventh Street Parking Garage	163,932	
3584 Ninth Street Parking Garage	234,650	
3585 Tenth Street Parking Garage	360,205	
	1,495,455	
Wastewater Fund (6210)		
5222 Biosolids Co-Composting	0	
	0	
Compost Operations (6290)		
5222 Biosolids Co-Composting	1,396,588	
	1,396,588	
Golf Fund (6600)		
3311 Golf General	702,407	
3315 Golf Environmental Golf Inc.	1,695,685	
3316 Golf Non-Environmental Golf Inc.	25,000	
	2,423,092	
Centre Plaza Fund (6700)		
3412 Modesto Centre Plaza	1,588,377	
3414 Technical Services	81,930	
	1,670,307	
Centre Plaza FF&E (6710)		
3420 Centre Plaza FF&E Fund	75,600	
	75,600	
Building Services (7800)		
3512 Building Services Administration	544,062	
3513 Building Services Maintenance and Custodial	1,670,046	
3514 Maintenance & Custodial - PD	0	
3515 PRN Facilities Maintenance/Custodial	0	
3516 Public Works Facilities Maintenance	0	
3520 Building Services Garbage Removal	0	
3810 Rental Facilities	45,000	
	2,259,108	
JPA Building Services (8500)		
3524 JPA Building Services	1,548,892	
	1,548,892	
Tuolumne River Regional Park (8900)		
3912 Tuolumne River Regional Park (TRRP)	462,369	
	462,369	
<b>Parks, Recreation &amp; Neighborhoods Department</b>	<b>Total</b>	<b>29,691,638</b>

# Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Public Works Department</b>		
General Fund (0100)		
4212 Construction Administration	0	
4213 Development Review/Permits	1,031,190	
4301 Traffic & Development Services Admin	252,643	
4302 Public Works Administration	791,906	
4303 Fiscal Programming & Management	75,676	
4308 Current Facilities Planning	359,435	
4521 Landscape Maintenance Contract	40,000	
4712 Community Forestry	2,812,916	
4713 Community Forestry Parks	253,286	
4722 Graffiti Abatement	345,996	
5220 Green Waste Collection	632,192	
5312 Storm Water Collections	0	
	6,595,240	
Capital Improvement Support (0300)		
4112 Engineering Design	1,816,413	
4212 Construction Administration	1,603,347	
	3,419,760	
Local Transportation Fund (0510)		
4310 Local Transportation Fund Revenue	22,726	
	22,726	
Streets, Traffic & Forestry (0700)		
1601 Transportation Traffic	940,705	
1605 Electrical Utility Cost	1,013,649	
1611 Traffic Engineering Liability	221,765	
1612 Electrical Division	1,557,722	
4112 Engineering Design	0	
4120 Gas Tax Street Maintenance	2	
4212 Construction Administration	0	
4612 Streets Maintenance	2,246,765	
4622 Traffic Operations	709,951	
4712 Community Forestry	0	
4724 Curbs, Gutters, and Sidewalks	1,472,736	
	8,163,295	
Infrastructure Fin Prgm Admin (2900)		
0270 CFD Engineering	145,666	
	145,666	
Water Operations (6100)		
5000 Water General	365,179	
5002 Water PCE Litigation	600,000	
5007 Water Ops - System Maintenance	2,377,481	
5009 Water Ops - Administration	2,356,148	
5012 Water Ops - Construction	2,310,437	
5013 Water Ops - Well Site Improvements	5,876,214	
5014 Water Ops - DBCP Litigation	0	

# Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Public Works Department</b>		
Water Operations (6100)		
5015 Capital Planning	688,039	
5016 Water Ops - Service/Meter Installation	2,043,805	
5017 Water Ops - Conservation	0	
5018 Water Ops - Resources/Quality	0	
5019 Water Ops - Cross Connection	0	
5024 Water Ops - MID Surface Water	12,345,094	
5099 Water Billing & Collection	1,348,656	
	<u>30,311,053</u>	
Wastewater Fund (6210)		
5000 Water General	0	
5200 Waste Water General	358,659	
5201 Capital Improvement Services Administration	1,623,671	
5202 Wastewater PCE Litigation	1,566,605	
5208 Wastewater Lift Stations	1,065,323	
5209 Water Quality Control Administration	592,222	
5210 SCADA and Electric	379,164	
5211 WWTP - Operations	1,601,977	
5212 Wastewater Collections	3,603,246	
5213 Wastewater Treatment Plant Primary	2,332,211	
5214 Wastewater Treatment Plant Secondary	2,316,306	
5215 Wastewater Monitoring & Control	952,394	
5217 Industrial Waste	1,482,974	
5220 Green Waste Collection	0	
5299 Wastewater Utility Billing & Collection	897,199	
5310 Storm Water Lift Stations	0	
	<u>18,771,951</u>	
Storm Drainage Fund (6280)		
5300 Storm Drain General	146,615	
5310 Storm Water Lift Stations	282,073	
5312 Storm Water Collections	2,919,269	
5313 Street Sweeping	1,533,598	
5314 Storm Drainage Administration/Monitoring	902,612	
5315 Leaf Collection	253,227	
5319 Storm Drain Planning	24,042	
5399 Storm Drain Billing & Collection	314,083	
	<u>6,375,519</u>	
Airport Operating Fund (6310)		
5412 Airport Operations	873,380	
	<u>873,380</u>	
Bus Service - Fixed Route (6510)		
1672 Transportation Transit	16,560	
5612 Fleet Services Bus	0	
	<u>16,560</u>	

## Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Public Works Department</b>		
Bus Service - DAR (6520)		
1673 Dial-A-Ride	2,358,614	
	<u>2,358,614</u>	
Transportation Center (6530)		
1674 Transportation Center	520,626	
1675 Modesto Amtrak Station	250,406	
	<u>771,032</u>	
Bus Fixed Route MAX Operations (6540)		
1672 Transportation Transit	7,294,111	
1676 Alternative Transportation	4	
5612 Fleet Services Bus	2,820,685	
	<u>10,114,800</u>	
Bus Fixed Route-Alt Transport (6550)		
1676 Alternative Transportation	89,290	
	<u>89,290</u>	
Fleet Management Fund (7200)		
5810 Fleet Services - Administration	749,757	
5812 Fleet Services - Operations and Maintenance	4,805,265	
5813 Fleet Services - Police	0	
5816 Fleet Services - Motor Pool	195,897	
	<u>5,750,919</u>	
Fleet Equipment Replacement (7210)		
5814 Fleet Services - Equipment Replacement	3,678,106	
	<u>3,678,106</u>	
<b>Public Works Department Total</b>		<b>97,457,911</b>

### Debt Service

Water Operations (6100)		
5090 Water Debt Service - 2006 Issue	0	
	<u>0</u>	
Water CIP COP Fund (6120)		
5089 Water Debt Service-1997 Issue	1,795,430	
	<u>1,795,430</u>	
2006 Water COP Fund (6130)		
5090 Water Debt Service - 2006 Issue	1,732,489	
	<u>1,732,489</u>	
Wastewater Fund (6210)		
5250 Wastewater Debt Service	3,437,230	
	<u>3,437,230</u>	
1984 Revenue Bonds Sewer (6240)		
5251 Wastewater Debt SVC - 06 Issue	710,258	
	<u>710,258</u>	
Public Financing Auth COP (9440)		
DS10 Thurman Field Lease Revenue Bonds Debt Service	376,160	

# Operating Budget Fiscal Year 2007-2008

Department / Fund / Organization	Organization/ Fund Total	Department Total
<b>Debt Service</b>		
Public Financing Auth COP (9440)		
DS10 Thurman Field Lease Revenue Bonds Debt Service	376,160	
	376,160	
Public Financing Auth 98 Bonds (9450)		
DS25 Lease Revenue Bonds Debt Service (9450)	3,369,861	
	3,369,861	
<b>Debt Service Total</b>		<b>11,421,428</b>
 <b>Non-Department</b>		
General Fund (0100)		
9510 General Purpose Fund	658,320	
	658,320	
<b>Non-Department Total</b>		<b>658,320</b>

**General Fund Total**  
**All Other Funds Total**

**All Funds Grand Total**                      **324,497,056**

PROPOSED FY 2007-08  
OPERATING REVENUES/EXPENDITURES - BY FUND with TRANSFERS

FUND	FUND NAME	REVENUE	TRANSFERS IN	TOTAL REVENUE	EXPENSE	TRANSFERS OUT	TOTAL EXPENSE	NET
0100	General Fund (0100)	\$123,517,042	\$3,387,375	\$126,904,417	\$123,477,467	\$10,238,429	\$133,715,896	(\$6,811,479)
0130	Revenue Clearing Fund (0130)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
0300	Capital Improvement Support (0300)	\$3,214,841	\$204,919	\$3,419,760	\$3,419,760	\$0	\$3,419,760	(\$0)
0310	Solid Waste Fund (0310)	\$770,828	\$0	\$770,828	\$755,701	\$0	\$755,701	\$15,127
0320	Education-Govt Communication (0320)	\$132,965	\$133,000	\$265,965	\$252,757	\$0	\$252,757	\$13,208
0350	Elections/Outside Litigation (0350)	\$120,000	\$1,250,000	\$1,370,000	\$1,552,700	\$0	\$1,552,700	(\$182,700)
0400	Operating Grants Block Grants (0400)	\$0	\$0	\$0	\$0	\$117,201	\$117,201	(\$117,201)
0410	Operating Grants Reimbursed (0410)	\$0	\$153,245	\$153,245	\$0	\$0	\$0	\$153,245
0420	Police Outside Agreement (0420)	\$101,820	\$0	\$101,820	\$101,820	\$0	\$101,820	\$0
0510	Local Transportation Fund (0510)	\$2,400,000	\$0	\$2,400,000	\$22,726	\$2,500,157	\$2,522,883	(\$122,883)
0600	Traffic Safety Fund (0600)	\$1,380,000	\$0	\$1,380,000	\$724,800	\$1,152,000	\$1,876,800	(\$496,800)
0700	Streets, Traffic & Forestry (0700)	\$4,705,082	\$4,922,932	\$9,628,014	\$8,163,295	\$792,736	\$8,956,031	\$671,983
0800	Econ Dev/Strategic Plan (0800)	\$0	\$0	\$0	\$63,867	\$0	\$63,867	(\$63,867)
0900	Downtown Improvement Dist (0900)	\$227,478	\$0	\$227,478	\$226,870	\$0	\$226,870	\$608
1130	CDBG - Direct Program (1130)	\$2,583,835	\$0	\$2,583,835	\$2,603,684	\$0	\$2,603,684	(\$19,849)
1150	Housing Loan Program (1150)	\$262,500	\$0	\$262,500	\$262,500	\$0	\$262,500	\$0
1152	Public Service (1152)	\$37,500	\$0	\$37,500	\$37,500	\$0	\$37,500	\$0
1170	Home Program (1170)	\$1,436,895	\$0	\$1,436,895	\$1,436,792	\$0	\$1,436,792	\$103
1180	Emergency Shelter Program (1180)	\$104,098	\$0	\$104,098	\$104,098	\$0	\$104,098	\$0
1300	Special Fund for Capital Outlays (1300)	\$0	\$170,579	\$170,579	\$0	\$50,579	\$50,579	\$120,000
1310	Police Capital Fac Fee (1310)	\$0	\$0	\$0	\$0	\$228,000	\$228,000	(\$228,000)
1320	Fire Capital Fac Fee (1320)	\$0	\$0	\$0	\$0	\$150,579	\$150,579	(\$150,579)
1350	Parks Capital Fac Fee (1350)	\$0	\$0	\$0	\$18,556	\$0	\$18,556	(\$18,556)
1380	City Hall Exp Capital Fac Fee (1380)	\$0	\$0	\$0	\$0	\$653,159	\$653,159	(\$653,159)
1390	Admin Capital Fac Fee Fund (1390)	\$120,000	\$0	\$120,000	\$307,503	\$0	\$307,503	(\$187,503)
1400	Parks Fund (1400)	\$0	\$299,000	\$299,000	\$0	\$200,000	\$200,000	\$99,000
1430	Air Quality Cap Fac Fee (1430)	\$0	\$0	\$0	\$0	\$120,000	\$120,000	(\$120,000)
2600	Village One (2600)	\$510,000	\$0	\$510,000	\$510,000	\$0	\$510,000	\$0
2640	Fairview Village (2640)	\$206,000	\$0	\$206,000	\$206,000	\$0	\$206,000	\$0
2642	CFD Fairview Village-Debt Service (2642)	\$0	\$0	\$0	\$311,701	\$0	\$311,701	(\$311,701)
2650	North Beyer (2650)	\$9,500	\$0	\$9,500	\$9,500	\$0	\$9,500	\$0
2660	Enterprise Park 1998 (2660)	\$16,500	\$0	\$16,500	\$16,500	\$0	\$16,500	\$0
2670	Carver/Bangs (2670)	\$197,100	\$0	\$197,100	\$197,100	\$0	\$197,100	\$0
2680	Pelandale/Snyder (2680)	\$24,998	\$0	\$24,998	\$24,998	\$0	\$24,998	\$0
2690	CFD - Village 1 #2 (2690)	\$483,000	\$0	\$483,000	\$483,000	\$0	\$483,000	\$0
2692	CFD Village 1 #2 - Debt Service (2692)	\$0	\$0	\$0	\$1,668,920	\$0	\$1,668,920	(\$1,668,920)
2710	North Beyer #2 CFD Fund (2710)	\$64,500	\$0	\$64,500	\$64,500	\$0	\$64,500	\$0
2720	Kiernan Business Park West (2720)	\$64,500	\$0	\$64,500	\$64,500	\$0	\$64,500	\$0
2730	Kiernan Business Park South (2730)	\$64,500	\$0	\$64,500	\$64,500	\$0	\$64,500	\$0
2750	NorthPointe Village (2750)	\$35,150	\$0	\$35,150	\$35,150	\$0	\$35,150	\$0
2800	Coffee-Claratina (2800)	\$158,000	\$0	\$158,000	\$158,000	\$0	\$158,000	\$0
2900	Infrastructure Fin Prgm Admin (2900)	\$386,504	\$0	\$386,504	\$387,807	\$0	\$387,807	(\$1,303)
6000	Parking Fund (6000)	\$1,248,277	\$0	\$1,248,277	\$1,495,455	\$0	\$1,495,455	(\$247,178)
6100	Water Operations (6100)	\$49,688,018	\$264,000	\$49,952,018	\$30,311,053	\$3,627,553	\$33,938,606	\$16,013,412
6101	Water Development Fees (6101)	\$2,995,000	\$0	\$2,995,000	\$0	\$0	\$0	\$2,995,000
6120	Water CIP COP Fund (6120)	\$0	\$1,795,430	\$1,795,430	\$1,795,430	\$0	\$1,795,430	\$0
6130	2006 Water COP Fund (6130)	\$0	\$1,732,489	\$1,732,489	\$1,732,489	\$0	\$1,732,489	\$0
6210	Wastewater Fund (6210)	\$24,011,347	\$820,758	\$24,832,105	\$22,209,181	\$105,983	\$22,315,164	\$2,516,941
6211	Wastewater Development Fees (6211)	\$661,050	\$0	\$661,050	\$0	\$0	\$0	\$661,050

**PROPOSED FY 2007-08  
OPERATING REVENUES/EXPENDITURES - BY FUND with TRANSFERS**

FUND	FUND NAME	REVENUE	TRANSFERS IN	TOTAL REVENUE	EXPENSE	TRANSFERS OUT	TOTAL EXPENSE	NET
6240	1984 Revenue Bonds Sewer (6240)	\$0	\$0	\$0	\$710,258	\$706,758	\$1,417,016	(\$1,417,016)
6280	Storm Drainage Fund (6280)	\$5,223,519	\$826,000	\$6,049,519	\$6,375,519	\$9,146	\$6,384,665	(\$335,146)
6290	Compost Operations (6290)	\$1,386,682	\$0	\$1,386,682	\$1,396,588	\$0	\$1,396,588	(\$9,906)
6310	Airport Operating Fund (6310)	\$997,750	\$0	\$997,750	\$873,380	\$1,030	\$874,410	\$123,340
6330	County Aircraft Tax (6330)	\$184,000	\$0	\$184,000	\$0	\$0	\$0	\$184,000
6510	Bus Service - Fixed Route (6510)	\$1,183,598	\$0	\$1,183,598	\$16,560	\$18,000	\$34,560	\$1,149,038
6520	Bus Service - DAR (6520)	\$2,358,614	\$0	\$2,358,614	\$2,358,614	\$0	\$2,358,614	\$0
6530	Transportation Center (6530)	\$771,032	\$0	\$771,032	\$771,032	\$0	\$771,032	\$0
6540	Bus Fixed Route MAX Operations (6540)	\$11,658,686	\$0	\$11,658,686	\$10,114,800	\$0	\$10,114,800	\$1,543,886
6550	Bus Fixed Route-Alt Transport (6550)	\$79,048	\$1,500	\$80,548	\$89,290	\$2,639	\$91,929	(\$11,381)
6600	Golf Fund (6600)	\$2,424,592	\$200,000	\$2,624,592	\$2,423,092	\$0	\$2,423,092	\$201,500
6700	Centre Plaza Fund (6700)	\$994,971	\$746,571	\$1,741,542	\$1,670,307	\$75,600	\$1,745,907	(\$4,365)
6710	Centre Plaza FF&E (6710)	\$0	\$75,600	\$75,600	\$75,600	\$0	\$75,600	\$0
7100	Central Services (7100)	\$26,000	\$0	\$26,000	\$26,000	\$0	\$26,000	\$0
7110	Inventory Purchases (7110)	\$4,592,440	\$0	\$4,592,440	\$4,592,440	\$0	\$4,592,440	\$0
7120	Central Services - Mail (7120)	\$285,176	\$0	\$285,176	\$285,498	\$0	\$285,498	(\$322)
7130	Information Technology (7130)	\$4,953,006	\$72,228	\$5,025,234	\$4,955,391	\$0	\$4,955,391	\$69,843
7200	Fleet Management Fund (7200)	\$4,472,974	\$0	\$4,472,974	\$5,750,919	\$8,936	\$5,759,855	(\$1,286,881)
7210	Fleet Equipment Replacement (7210)	\$3,750,000	\$0	\$3,750,000	\$3,678,106	\$0	\$3,678,106	\$71,894
7310	Insurance - Administration (7310)	\$1,075,152	\$0	\$1,075,152	\$1,077,414	\$0	\$1,077,414	(\$2,262)
7320	Insurance - Workers Comp (7320)	\$4,543,705	\$1,000,000	\$5,543,705	\$4,543,705	\$0	\$4,543,705	\$1,000,000
7330	Insurance - Liability Insurance (7330)	\$2,674,979	\$0	\$2,674,979	\$2,674,979	\$0	\$2,674,979	\$0
7340	Insurance - Property Insurance (7340)	\$409,258	\$0	\$409,258	\$409,258	\$0	\$409,258	\$0
7350	Insurance - Dental Insurance (7350)	\$1,329,496	\$0	\$1,329,496	\$1,329,496	\$0	\$1,329,496	\$0
7360	Insurance - Health (7360)	\$13,206,350	\$0	\$13,206,350	\$13,206,350	\$0	\$13,206,350	\$0
7370	Insurance - Disability (7370)	\$408,648	\$0	\$408,648	\$260,000	\$0	\$260,000	\$148,648
7380	Other Employee Insurance (7380)	\$450,592	\$0	\$450,592	\$450,592	\$0	\$450,592	\$0
7390	Insurance - Vision (7390)	\$328,135	\$0	\$328,135	\$328,135	\$0	\$328,135	\$0
7510	Employee Benefits Mgmt (7510)	\$37,788,315	\$0	\$37,788,315	\$37,788,315	\$0	\$37,788,315	\$0
7520	Employee Benefits Admin (7520)	\$317,037	\$0	\$317,037	\$471,968	\$0	\$471,968	(\$154,931)
7800	Building Services (7800)	\$2,248,580	\$0	\$2,248,580	\$2,259,108	\$9,001	\$2,268,109	(\$19,529)
8500	JPA Building Services (8500)	\$1,584,900	\$0	\$1,584,900	\$1,548,892	\$0	\$1,548,892	\$36,008
8850	Stanislaus Drug Enforce Agency (8850)	\$2,463,586	\$0	\$2,463,586	\$2,498,881	\$0	\$2,498,881	(\$35,295)
8900	Tuolumne River Regional Park (8900)	\$504,403	\$0	\$504,403	\$462,369	\$0	\$462,369	\$42,034
8910	TRRP (CIP) Fund (8910)	\$0	\$300,000	\$300,000	\$0	\$0	\$0	\$300,000
9020	RDA COP Debt Service Fund (9020)	\$0	\$0	\$0	\$0	\$862,000	\$862,000	(\$862,000)
9440	Public Financing Auth COP (9440)	\$0	\$442,742	\$442,742	\$376,160	\$0	\$376,160	\$66,582
9450	Public Financing Auth 98 Bonds (9450)	\$0	\$2,831,118	\$2,831,118	\$3,369,861	\$0	\$3,369,861	(\$538,743)
<b>TOTALS</b>		<b>\$336,614,052</b>	<b>\$21,629,486</b>	<b>\$358,243,538</b>	<b>\$324,497,057</b>	<b>\$21,629,486</b>	<b>\$346,126,543</b>	<b>\$12,116,995</b>

## Operating Inter-Fund Transfers IN - Detail

Transfer in (\$ in Thousands)			Adopted 06-07	Estimate 06-07	Proposed 07-08	Purpose
<b>To 0100 General Fund from:</b>						
0100	0100	City Mgr (0201) United Way 2-1-1 Supp			24.700	United Way 2-1-1 Support
0100	0400	Operation Grants Block Grants			117.201	SLESF Repymt of Fleet Fd. Loan (4 years)
0100	0600	Traffic Safety Fund	842.000	842.000	842.000	Traffic Safety (7000)
0100	0610	Traffic Offender (Safety) Fund		210.000		Traffic Offender Fund (mandatory \$210k)
0100	0610	Traffic Offender (Safety) Fd (\$250)			100.000	
0100	0700	Special Gas Tax Fund	643.443	691.977	712.736	Cycle Pruning (4712)
0100	0700	Special Gas Tax Fund				Insurance Certificate Prog. (4302)
0100	0800	Econ Dev and Strategic Plan Fund				Transfer Fund Balance
0100	1300	Special Fund For Capital Outlay				General Transfer (7000)
0100	1310	Capital Facility Fees - Police	50.579	50.579	50.579	Tenth Street Place Project (7000)
0100	1320	Capital Facility Fees - Fire	212.000	212.000	228.000	Loan Repayment (7001) M174L
0100	1380	Capital Facility Fees - City Hall Expansion	100.000	100.000	100.000	Tenth Street Place Project (7000)
0100	1380	Capital Facility Fees - City Hall Expansion	141.000	141.000	653.159	Tenth Street Place Project (7000)
0100	1400	Parks Fund	200.000	200.000	200.000	Monterosso Property (7001) Q239L
0100	1400	Parks Fund				Park Maintenance
0100	2690	Village One #2 CFD				Loan Repayment (7001)
0100	6100	Water Operations	65.000	65.000	65.000	Tenth Street Place Project (7000)
0100	6100	Water Operations				Insurance Certificate Prog. (4302)
0100	6100	Water Fund Zone 1				Rate Study (55%) 1205
0100	6100	Water Fund Zone 1				Water 218 Election 1205
0100	6150	Water Fund Zone 2				Tenth Street Place Project (7000)
0100	6160	Water Fund Zone 3				Tenth Street Place Project (7000)
0100	6210	Wastewater Fund	65.000	65.000	66.000	Tenth Street Place Project (7000)
0100	6210	Wastewater Fund				Water & Wastewater Study (1205)
0100	6210	Wastewater Fund				Insurance Certificate Prog. (4302)
0100	6210	Wastewater Fund				Rate Study (45%) 1205
0100	6210	Wastewater Fund				Wastewater 218 Election 1205
0100	6280	Storm Drain Fund				Insurance Certificate Prog. (4302)
0100	6310	Airport Operations Fund				Insurance Certificate Prog. (4302)
0100	6310	Airport Operations Fund				Loan Repayment Pd FY03/04
0100	6510	Bus Services Fixed Route Fund	18.000	18.000	18.000	Tenth Street Place Project (7000)
0100	6540	Fixed Bus Max Operations				Insurance Certificate Prog. (4302)
0100	7510	Employee Benefits Fund				PERS Contribution
<b>Total</b>			<b>2,337.022</b>	<b>2,595.556</b>	<b>3,387.375</b>	
<b>To 0300 Capital Improvement Fund</b>						
0300	0100	General Fund	151.245	151.245	151.245	Engineering Design (4112)
0300	0100	General Fund	53.674	53.674	53.674	Engineering Construction (4212)
<b>Total</b>			<b>204.919</b>	<b>204.919</b>	<b>204.919</b>	
<b>To 0310 Solid Waste Special Revenue Fund from:</b>						
0310	0100	General Fund		150.000		Carpenter Road Landfill
<b>Total</b>			<b>0.000</b>	<b>150.000</b>	<b>0.000</b>	
<b>To 0320 Education &amp; Government Comm from:</b>						
0320	0100	General Fund				Savings from FY03
0320	0100	General Fund				City Media production to E&G (0703)
0320	0100	General Fund	133.000	133.000	133.000	City portion of the operating budget (0703)
<b>Total</b>			<b>133.000</b>	<b>133.000</b>	<b>133.000</b>	
<b>To 0350 Elections Fundfrom:</b>						
0350	0100	General Fund		1,101.509	1,000.000	Outside Litigation
0350	0100	General Fund			250.000	Elections (0504)
<b>Total</b>			<b>0.000</b>	<b>1,101.509</b>	<b>1,250.000</b>	
<b>To 0400 Operation Grants Block Grants Fund from:</b>						
0400	0100	General Fund				Design of 15 Parks (3138)
0400	0100	General Fund				Park Build Contract I (3139)
0400	0100	General Fund				Park Build Contract I (3140)
0400	0100	General Fund				Park Build Contract I (3141)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 0410 Operating Grants Fund from:</b>						
0410	0100	General Fund				Modesto Safe Traffic Ops (2966)
0410	0100	General Fund				Assist to FF (1854)
0410	0100	General Fund	150.000	150.000	0.000	Survive the Night (2967)
0410	0100	General Fund			53.245	SAFE Neighborhood Grants (2903)
0410	0100	General Fund			100.000	GREAT Grant (2905)
0410	0100	General Fund				COPs in Schools (2993)
0410	0100	General Fund	450.000	450.000	0.000	COPs Universal Hiring Grant (2985)
0410	0100	General Fund				Juvenile Impact Program (2986)
0410	0100	General Fund	150.000	150.000	0.000	Cops in Schools (2989)
0410	0100	General Fund				Trees for Tots Match Grant (4805)
<b>Total</b>			<b>750.000</b>	<b>750.000</b>	<b>153.245</b>	
<b>To 0420 Police Outside Agreements</b>						
0420	0100	General Fund				Beat Health (2007)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	

## Operating Inter-Fund Transfers IN - Detail

Transfer In (\$ in Thousands)			Adopted	Estimate	Proposed	Purpose
			06-07	06-07	07-08	
<b>To 0700 Gas Tax Fund from:</b>						
0700	0100	General Fund				General Transfer (7000)
0700	0100	General Fund				Bluegum for Fire Improvemt (4613)
0700	0100	General Fund				Community Forestry (4712)
0700	0100	General Fund	887.175	887.175	887.175	Street Maintenance (4612)
0700	0100	General Fund				Traffic Operations (4622)
0700	0100	General Fund				LED Replacemnet Program (1630)
0700	0100	General Fund	610.600	610.600	610.600	Curbs Gutters, and Sidewalks (4724)
0700	0100	General Fund	125.000	125.000	125.000	Traffic Engineering (1601)
0700	0100	General Fund	800.000	800.000	800.000	Slurry Seals (4380)
0700	0510	LTF Streets and Roads		2,229.000	76.000	General Transfer (7000)
0700	0510	LTF Streets and Roads				Electrical Utility Costs (1605)
0700	0510	LTF Streets and Roads		1,467.750	1,511.783	Street Maintenance (4612)
0700	0510	LTF Streets and Roads				Restriping Various Locations (1621)
0700	0510	LTF Streets and Roads				Low Cost Traffic Improvements (1622)
0700	0510	LTF Streets and Roads				Electrical Division (1612)
0700	0510	LTF Streets and Roads				Upgrade High Voltage Circuits (1624)
0700	0510	LTF Streets and Roads		713.790	735.204	Traffic Operations (4622)
0700	0510	LTF Streets and Roads				Curbs Gutters, and Sidewalks (4725)
0700	0510	LTF Streets and Roads		172.010	177.170	Slurry Seals (4380)
0700	0520	LTF Non-Motorized				Curbs Gutters, and Sidewalks (4724)
0700	7330	Insurance Liability Fund				Curbs Gutters, and Sidewalks (4725)
<b>Total</b>			<b>2,422.775</b>	<b>7,005.325</b>	<b>4,922.932</b>	
<b>To 0800 Economic Development &amp; Strategic Planning Fund from:</b>						
0800	0100	General Fund		625.000		General Plan-related Development (7000)
<b>Total</b>			<b>0.000</b>	<b>625.000</b>	<b>0.000</b>	
<b>To 1300 Special Fund for Capital Outlays Fund from:</b>						
1300	0100	General Fund	120.000	120.000	120.000	Police Training Site (M168)
1300	0100	General Fund	1,800.000	1,800.000		Road Maintenance Projects
1300	1320	Fire CFF Fund	50.579	50.579	50.579	Loan Repayment (7001) M174L
<b>Total</b>			<b>1,970.579</b>	<b>1,970.579</b>	<b>170.579</b>	
<b>To 1320 Fire Capital Facility Fees Fund from:</b>						
1320	1300	Spec Fund for Capital Outlay				Ladder Truck (1899)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>To 1400 Parks Fund from:</b>						
1400	0100	General Fund				Discretionary Parks Transfer
1400	0100	General Fund				School Infrastructure Maintenance
1400	0100	General Fund	149.000	149.000	99.000	Parks School Infrastructure (now project P733)
1400	0100	General Fund	0.000	0.000	0.000	General Transfer (7000)
1400	0700	Gas Tax Fund	80.000	80.000	80.000	General Transfer (7000)
1400	1350	Parks Capital Facilities Fees				Park Partners Op (3124)
1400	1430	Air Quality Capital Facility Fund	120.000	120.000	120.000	General Transfer (7000)
<b>Total</b>			<b>349.000</b>	<b>349.000</b>	<b>299.000</b>	
<b>To 2300 Capital Grants Fund from:</b>						
2300	1350	Parks CFF				Recreational Pool Upgrades (7000)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 2600 Village One CFD fund from:</b>						
2600	0800	Economic Development Fund				Village One CFD (7000)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 2660 CFD Enterprise Park Fund from:</b>						
2660	4000	CFD Debt Service Enterprise Business Pk				
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6100 Water Zone 1 Fund from:</b>						
6100	0100	General Fund	264.000	264.000	264.000	Prop 218 rebate become MY W445
6100	6150	Water Fund Zone 2 Consolidation				Water Quality Compliance Consolidation (5018)
6100	6150	Water Fund Zone 2 Consolidation				Collapsing 3 zones to 1
6100	6160	Water Fund Zone 3 Consolidation				Water Quality Compliance Consolidation (5018)
6100	6160	Water Fund Zone 3				Loan Repayment (7001)
<b>Total</b>			<b>264.000</b>	<b>264.000</b>	<b>264.000</b>	
<b>To 6120 Water CIP COP Fund from:</b>						
6120	6100	Water Fund Zone 1	1,800.120	1,800.120	1,795.430	Debt Service Payment (7000)
6120	6150	Water Fund Zone 2				Loan Repayment (7001)
<b>Total</b>			<b>1,800.120</b>	<b>1,800.120</b>	<b>1,795.430</b>	
<b>To 6130 Water CIP (06) New from:</b>						
6130	6100	Water Zone 1			1,732.489	Debt Service Payment (7000)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>1,732.489</b>	

## Operating Inter-Fund Transfers IN - Detail

Transfer In (\$ in Thousands)			Adopted	Estimate	Proposed	Purpose
			06-07	06-07	07-08	
<b>To 6160 Del Este Non-MID</b>						
6160	6100	Water Fund Zone 1				Collapsing 3 zones into 1
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6210 Wastewater Fund from:</b>						
6210	0100	General Fund				Pruned Refuse Collection (5220)
6210	0100	General Fund				Capital Improvement Svcs (5201)
6210	0100	General Fund	114.000	114.000	114.000	Prop 218 rebate became MY B618
6210	6230	1997 Sewer Revenue Bonds				WW Bond Financing - move bet. Subfunds
6210	6240	1984 Revenue Bond Sewer			706.758	Debt Service Payment
6210	6270	Refunding Revenue Bonds				WW Bond Financing - move bet. Subfunds
<b>Total</b>			<b>114.000</b>	<b>114.000</b>	<b>820.758</b>	
<b>To 6220 1993 Sewer COP Fund from:</b>						
6220	6210	Wastewater Fund				Debt Service Payment (7000)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6230 1997 Sewer Revenue Bonds from:</b>						
6230	6210	Wastewater Fund				Debt Service Payment (7000)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6270 Refunding Revenue Bonds from:</b>						
6270	6210	Wastewater Fund				Debt Service Payment (7000)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6280 Storm Drainage Fund from:</b>						
6280	0100	General Fund				Storm Water Collection (5312)
6280	0100	General Fund	272.219	272.219	0.000	Rockwell Rejuvenation (5312)
6280	0100	General Fund	17.485	17.485	0.000	Weed Abatement
6280	0100	General Fund	70.000	70.000		Master Plan (Q231)
6280	0100	General Fund		200.000	500.000	Rate Analysis (Prop 218)
6280	0100	General Fund	319.000	319.000	326.000	Storm Drain Deficit-Leaf Collection (5315)
<b>Total</b>			<b>678.704</b>	<b>878.704</b>	<b>826.000</b>	
<b>To 6290 Composting Fund from:</b>						
6290	6210	Wastewater Fund				Composting (5222)
6290	7210	Fleet Replacement Fund				Composting (5222)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6310 Airport Operations Fund from:</b>						
6310	6330	County Aircraft Revenue Fund				Closure of fund 6330
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6510 Bus Service Fixed Route Fund from:</b>						
6510	1420	Fixed Bus Max Operations				Bus Stop Improvements 1677
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6540 Bus Fixed Route Max Operation Fund From:</b>						
6540	0700	Gas Tx Fund				Alternative Transportation (1676)
6540	7510	Employee Benefits Management Fund				Transportation Transit (1672)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 6550 Bus Fixed Route Alternative Trans Fund From:</b>						
6550	0100	General Fund	1.500	1.500	1.500	Taxi Cab Inspections (1676)
6550	0700	Gas Tx Fund				Alternative Transportation (1676)
<b>Total</b>			<b>1.500</b>	<b>1.500</b>	<b>1.500</b>	
<b>To 6600 Golf Fund from:</b>						
6600	0100	General Fund	0.000	99.372	100.000	Golf Capital (P391)
6600	0100	General Fund	100.000	100.000	100.000	Operating Subsidy (7000)
<b>Total</b>			<b>100.000</b>	<b>199.372</b>	<b>200.000</b>	
<b>To 6700 Centre Plaza Event Services Fund from:</b>						
6700	0100	General Fund	724.826	724.826	746.571	Operating Subsidy (7000)
<b>Total</b>			<b>724.826</b>	<b>724.826</b>	<b>746.571</b>	
<b>To 6710 Centre Plaza FF&amp;E Fund from:</b>						
6710	6700	Centre Plaza Event Services Fund	147.285	147.285	75.600	FF&E
<b>Total</b>			<b>147.285</b>	<b>147.285</b>	<b>75.600</b>	

## Operating Inter-Fund Transfers IN - Detail

Transfer In (\$ in Thousands)			Adopted	Estimate	Proposed	Purpose
			06-07	06-07	07-08	
<b>To 7130 Information Technology Fund from:</b>						
7130	0100	General Fund		23.578	0.000	Employee transfer from PD to IT
7130	0100	General Fund		30.922	0.000	Supplemental Novell License
7130	0100	General Fund		819.680		Supplemental IT CAD CIP vs PD
7130	0100	General Fund		22.100	0.000	Fund Comcate (eFeedback Program)
7130	0100	General Fund				Supplemental Request: Land Use System
7130	0100	General Fund				IT allocation shortage (7000)
7130	0100	General Fund				Supplemental Request: Business Process Review
7130	0100	General Fund				Network Services (0743)
7130	0100	General Fund				Technology Replacement (0744)
<b>Total</b>			<b>0.000</b>	<b>896.280</b>	<b>0.000</b>	
<b>To 7131 Technology Investment Fund</b>						
7131	0100	General Fund				Technology Investment Fund
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 7200 Fleet Fund from</b>						
7200	7210	Fleet Replacement Fund				Fleet Operations shortage EOY
7200	7210	Fleet Replacement Fund				Fleet Operations shortage EOY
7200	0100	General Fund				Taxi Cab Inspections (5813)
7200	0100	General Fund	212.000	77.604	72.228	Fleet Fund Repayment (7000)
<b>Total</b>			<b>212.000</b>	<b>77.604</b>	<b>72.228</b>	
<b>To 7210 Fleet Replacement Fund from</b>						
7210	0100	General Fund				Vehicle Replacement
7210	6210	Wastewater				Vehicle Replacement
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 7320 Workers Comp Fund from:</b>						
7320	0100	General Fund	896.417	896.417	894.631	General Fund Orgs WC (7000)
7320	6100	Water Operations Fund	33.580	33.580	34.634	Water Operations WC (7000)
7320	6210	Wastewater Fund	39.574	39.574	39.983	Wastewater Operations WC (7000)
7320	6280	Storm Drain Fund	9.241	9.241	9.146	Storm Drain Operations WC (7000)
7320	6310	Airport Operations Fund	0.925	0.925	1.030	Airport Operations WC (7000)
7320	6550	Bus Fixed Route Alternative Trans	2.365	2.365	2.639	Bus Fixed Rt- Alt Transport WC (7000)
7320	7200	Fleet Fund	9.053	9.053	8.936	Fleet Operations WC (7000)
7320	7800	Building Svc Fund	8.844	8.844	9.001	Building Services WC (7000)
7320	7330	Insurance Liability Fund				Insurance Liability Fund
7320	7340	Property Insurance Fund	420.000	420.000		Property Insurance Fund (7000)
<b>Total</b>			<b>1,419.999</b>	<b>1,419.999</b>	<b>1,000.000</b>	
<b>To 8910 TRRP (CIP) Fund from:</b>						
8910	0100	TRRP (Operations)			300.000	Dennet Dam
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>300.000</b>	
<b>To 9020 RDA COP Debt Service Fund from:</b>						
9020	0100	General Fund				RDA Centre Plaza Debt Service TOT (7000)
9020	9070	RDA 10th St. Project				RDA COP Debt Service
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 9050 RDA Administration Fund from:</b>						
9050	0100	General Fund				Sales Tax (7000)
9050	0100	General Fund				Transient Occupancy Tax
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 9080 RDA Master Plan Fund from:</b>						
9080	0100	General Fund				CIP
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>To 9440 Public Financing Authority COP Fund from:</b>						
9440	0100	General Fund			60.000	Thurman Field Additional Debt
9440	0100	General Fund	317.072	317.072	382.742	Thurman Field Debt Service (7000)
<b>Total</b>			<b>317.072</b>	<b>317.072</b>	<b>442.742</b>	
<b>To 9450 Public Financing Authority 1998 Bond Fund from:</b>						
9450	0100	General Fund	2,192.904	2,192.904	1,969.118	Tenth Street Place Debt Service (7000)
9450	2100	Public Financing Authority	800.000			Tenth Street Place Debt Service
9450	9020	RDA COP Debt Service Fund	920.690	920.690	862.000	Debt Service Payment (7000)
<b>Total</b>			<b>3,913.594</b>	<b>3,113.594</b>	<b>2,831.118</b>	
<b>Grand Total</b>			<b>17,860.395</b>	<b>24,839.244</b>	<b>21,629.486</b>	

## Operating Inter-Fund Transfers OUT - Detail

Transfer Out (\$ in Thousands)		Adopted	Estimate	Proposed	Purpose
		06-07	06-07	07-08	
<b>From 0100 General Fund to:</b>					
0100	0100			24,700	United Way 2-1-1 Support
0300	0100	151,245	151,245	151,245	Engineering Design (4112)
0300	0100	53,674	53,674	53,674	Engineering Construction (4212)
0310	0100		150,000		Carpenter Rd. Landfill
0310	0100				Grant money rec'd in GF need for 4402
0320	0100				Savings from FY03
0320	0100	133,000	133,000	133,000	City portion of the operating budget
0320	0100				City Media production to E&G (0703)
0350	0100			250,000	Elections (0504)
0350	0100		1,101,509	1,000,000	Elections (0504)
0400	0100				Outside Litigation for City Attorney
0400	0100				Design of 15 Parks (3138)
0400	0100				Park Build Contract I (3139)
0400	0100				Park Build Contract I (3140)
0400	0100				Park Build Contract I (3141)
0410	0100	150,000	150,000		Survive the Night (2967) Grant Ending
0410	0100			53,245	SAFE Neighborhood Grants (2903)
0410	0100			100,000	GREAT Grant (2905)
0410	0100				COPs in Schools (2993)
0410	0100				Modesto Safe Traffic Ops (2966)
0410	0100				Assist to FF (1854)
0410	0100	450,000	450,000		COPs Universal Hiring Grant (2985) Grant ending
0410	0100				Juvenile Impact Program (2986)
0410	0100	150,000	150,000		Cops in Schools (2989) Grant Ending
0410	0100				Trees for Tots Grant (4805)
0420	0100				Police Outside Agreements
0700	0100	125,000	125,000	125,000	Traffic Engineering (1601)
0700	0100				Electrical Utility Costs (1605)
0700	0100				LED Replacement Program (1630)
0700	0100				Community Forestry (4712)
0700	0100				Traffic Operations (4622)
0700	0100	887,175	887,175	887,175	Street Maintenance (4612)
0700	0100				Bluegum for Fire Improvermt (4613)
0700	0100	610,600	610,600	610,600	Curbs, Gutters and Sidewalks (4724)
0700	0100				General Transfer (7000)
0700	0100	800,000	800,000	800,000	Annual Slurry Seal (4380)
0800	0100		625,000		General Plan-related Development
1300	0100	note: 692.250	note: 692.250	note: 692.250	Fire Station #1 re-hab/re-build Project (F533)
1300	0100			note: 500k	Marshall Plan NBH.
1300	0100	120,000	120,000	120,000	Police Training Site (M168)
1300	0100	1,800,000	1,800,000	0.000	Road Maintenance Projects (H683)
1320	0100				Ladder Truck
1400	0100	149,000	149,000	99,000	Parks School Infrastructure (now project P733)
1400	0100				General Transfer (7000)
1400	0100				School Infrastructure Maintenance
1400	0100				Discretionary Parks Transfer
6100	0100	264,000	264,000	264,000	Prop 218 rebate become MY W445
6210	0100	114,000	114,000	114,000	Prop 218 rebate become MY B618
6210	0100				Capital Improvement Services (5201)
6210	0100				Pruned Refuse Collection (5220)
6280	0100		200,000	500,000	Storm Drain Rate Analysis 218
6280	0100				Storm Water Collection (5312)
6280	0100	70,000	70,000	0.000	Master Plan (Q231)
6280	0100	319,000	319,000	326,000	Storm Drain Deficit-Leaf Collection (5315)
6280	0100	272,219	272,219	0.000	Annual Rockwell Rejuvenation (5314)
6280	0100	17,485	17,485	0.000	Weed Abatement at Detention Basins (5312)
6550	0100	1,500	1,500	1,500	Taxi Cab Inspections (1676)
6600	0100	100,000	100,000	100,000	Contingency Subsidy (Operations)
6600	0100		99,372	100,000	Golf Capital (P391)
6700	0100	724,826	724,826	746,571	Operating Subsidy (7000)
7130	0100		23,578	0.000	Employee move from PD to IT
7130	0100		30,922	0.000	Supplemental Novell License
7130	0100		819,680		Supplemental IT CAD CIP/PD Hiring
7130	0100		22,100	0.000	Fund Comcate (eFeedback Program)
7130	0100				IT allocation shortage (7000)
7131	0100				Technology Investment Fund
7200	0100				Taxi Cab Inspections (5813)
7200	0100	212,000	note: 212 k	note: 212 k	Fleet Fd Repay. (\$212k is principal & interest)
7200	0100		77,604	72,228	Fleet Fund Loan Interest
7210	0100				Tractor for MPD
7320	0100	896,417	896,417	894,631	General Fund Orgs WC (7000)
8910	0100			300,000	TRRP Dannel Dam CIP Project
9020	0100				RDA Centre Plaza Debt Service TOT (7000)
9050	0100				Sales Tax (7000)
9080	0100				CIP
9440	0100	317,072	317,072	382,742	Thurman Field Debt Service (7000)
9440	0100			60,000	Thurman Field Additional Debt
9450	0100	2,192,904	2,192,904	1,969,118	Tenth Street Place Debt Service (7000)
<b>Total</b>		<b>11,081,117</b>	<b>14,018,882</b>	<b>10,238,429</b>	

## Operating Inter-Fund Transfers OUT - Detail

Transfer Out (\$ in Thousands)			Adopted 06-07	Estimate 06-07	Proposed 07-08	Purpose
<b>From 0400 Oper Block Grants to:</b>						
0100	0400	General Fund			117.201	SLESF Reprmt of Fleet Fd. Loan (4 years)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>117.201</b>	
<b>From 0510 Local Transportation Fund (LTF) to:</b>						
0700	0510	Special Gas Tax Fund		2,229.000	76.000	From LTF (7000)
0700	0510	Special Gas Tax Fund				Upgrade High Voltage (1624)
0700	0510	Special Gas Tax Fund				Restriping Various Locations (1621)
0700	0510	Special Gas Tax Fund				Electrical Division (1612)
0700	0510	Special Gas Tax Fund				Low Cost Traffic Imprv (1622)
0700	0510	Special Gas Tax Fund				Curbs, Gutters and Sidewalks (4725)
0700	0510	Special Gas Tax Fund		172.010	177.170	Slurry Seal (4380)
0700	0510	Special Gas Tax Fund		713.790	735.204	Traffic Operations (4622)
0700	0510	Special Gas Tax Fund		1,467.750	1,511.783	Street Maintenance (4612)
<b>Total</b>			<b>0.000</b>	<b>4,582.550</b>	<b>2,500.157</b>	
<b>From 0520 Local Transportation - Non Motorized Fund to:</b>						
0700	0520	Gas Tax Fund				Curbs Gutters and Sidewalks (4724)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>From 0600 Traffic Safety Fund to:</b>						
0100	0600	General Fund	842.000	842.000	842.000	Traffic Safety (7000)
0100	0610	General Fund			100.000	Traffic Offender (Safety) Fd (add'l \$250)
0100	0610	General Fund		210.000	210.000	Traffic Offender (Safety) Fd (mandatory \$212k)
<b>Total</b>			<b>842.000</b>	<b>1,052.000</b>	<b>1,152.000</b>	
<b>From 0700 Special Gas Tax Fund to:</b>						
0100	0700	General Fund				Insurance Certificate Prog. (4302)
0100	0700	General Fund	643.443	691.977	712.736	Cycle Pruning (4712)
1400	0700	Parks Fund	80.000	80.000	80.000	General Transfer (7000)
6540	0700	Bus Fixed Route Max Operations				Alternative Transportatin (1676)
6550	0700	Bus Fixed Route Max Operations				
<b>Total</b>			<b>723.443</b>	<b>771.977</b>	<b>792.736</b>	
<b>From 0800 Economic Development Strategic Plan Fund to:</b>						
0100	0800	General Fund				Transfer Fund Balance
2600	0800	Village One CFD				Village One CFD
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>From 1300 Special Fund For Capital Outlay Fund to:</b>						
0100	1300	General Fund	50.579	50.579	50.579	General Transfer (7000)
9450	1300	Public Financing Authority 1998 Bond Fund				Tenth Street Place Debt Service (7000)
<b>Total</b>			<b>50.579</b>	<b>50.579</b>	<b>50.579</b>	
<b>From 1310 Capital Facility Fees -Police Fund to:</b>						
0100	1310	General Fund	212.000	212.000	228.000	Tenth Street Place Project (7000)
<b>Total</b>			<b>212.000</b>	<b>212.000</b>	<b>228.000</b>	
<b>From 1320 Capital Facility Fees - Fire Fund to:</b>						
1300	1320	Special Fund for Capital Outlays Fund	50.579	50.579	50.579	Loan Repayment (7001) M174L
0100	1320	General Fund	100.000	100.000	100.000	Loan Repayment (7001) M174L
<b>Total</b>			<b>150.579</b>	<b>150.579</b>	<b>150.579</b>	
<b>From 1350 Capital Facility Fees -Parks Fund to:</b>						
1400	1350	Parks Fund				Park Partners Op Org 3124
2300	1350	Capital Grants Fund				Recreational Pool Upgrades
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 1380 Capital Facility Fees-City Hall Expansion Fund to:</b>						
0100	1380	General Fund	141.000	141.000	653.159	Tenth Street Place Project (7000)
<b>Total</b>			<b>141.000</b>	<b>141.000</b>	<b>653.159</b>	
<b>From 1400 Park Fund to:</b>						
0100	1400	General Fund				Park Maintenance
0100	1400	General Fund	200.000	200.000	200.000	Monterosso Property Loan (7001) Q239L
<b>Total</b>			<b>200.000</b>	<b>200.000</b>	<b>200.000</b>	
<b>From 1420 Capital Facilities Fees - Public Transportation</b>						
6510	1420	Bus Fund				
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 1430 Capital Facilities Fees - Air Quality Fund to:</b>						
1400	1430	Parks Fund	120.000	120.000	120.000	General Transfer
<b>Total</b>			<b>120.000</b>	<b>120.000</b>	<b>120.000</b>	
<b>From 2100 Public Financing Authority to:</b>						
9450	2100	Public Financing Bond 1998	800.000			Tenth Street Place Debt Service
<b>Total</b>			<b>800.000</b>	<b>0.000</b>	<b>0.000</b>	

## Operating Inter-Fund Transfers OUT - Detail

Transfer Out (\$ in Thousands)			Adopted	Estimate	Proposed	Purpose
			06-07	06-07	07-08	
<b>From 4000 CFD Debt Service Enterprise Pk to:</b>						
2660	4000	Enterprise CFD Park Fund				
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 6100 Water Operations Fund to:</b>						
0100	6100	General Fund	65.000	65.000	65.000	Tenth Street Place Project (7000)
0100	6100	General Fund				Rate Study (55%) 1205
0100	6100	General Fund				Water 218 Vote 1205
0100	6100	General Fund				Insurance Certificate Prog. (4302)
6120	6100	Water CIP COP Fund	1,800.120	1,800.120	1,795.430	Debt Service Payment (7000)
6130	6100	Water CIP (06) New			1,732.489	Debt Service Payment (7000)
6160	6100	Del-Este Non-MID Service Areas				Collapsing 3 zones into 1
7320	6100	Workers Comp Fund	33.580	33.580	34.634	Water Operations WC (7000)
<b>Total</b>			<b>1,898.700</b>	<b>1,898.700</b>	<b>3,627.553</b>	
<b>From 6150 Water Zone 2 Fund to:</b>						
0100	6150	General Fund				Tenth Street Place Project (7000)
6100	6150	Water Operations				Water Quality Compliance Consolidation (5018)
6100	6150	Water Operations				Collapsing 3 zones into 1
6120	6150	Water CIP COP Fund				Loan Repayment (7001)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>From 6160 Water Zone 3 Fund to:</b>						
0100	6160	General Fund				Tenth Street Place Project (7000)
6100	6160	Water Operations				Water Quality Compliance Consolidation (5018)
6100	6160	Water Zone 1 Fund				Loan Repayment
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>From 6210 Wastewater Fund to:</b>						
0100	6210	General Fund	65.000	65.000	66.000	Tenth Street Place Project
0100	6210	General Fund				Rate Study (45%) 1205
0100	6210	General Fund				Water & Wastewater Study (1205)
0100	6210	General Fund				Insurance Certificate Prog.(4302)
6220	6210	1993 Sewer COP Fund				Debt Service Payment (7000)
6230	6210	1997 Sewer Revenue Bonds				Debt Service Payment (7000)
6270	6210	Refunding Revenue Bonds				Debt Service Payment (7000)
6290	6210	Composting				Composting (5222)
7210	6210	Fleet Equip Replacement Fund				Vehicle Replacement
7320	6210	Workers Comp Fund	39.574	39.574	39.983	Wastewater Operations WC (7000)
<b>Total</b>			<b>104.574</b>	<b>104.574</b>	<b>105.983</b>	
<b>From 6240 Wastewater Fund to:</b>						
6210	6240	Wastewater Fund			706.758	Debt Service Payment
<b>Total</b>			<b>0.000</b>	<b>0.000</b>	<b>706.758</b>	
<b>From 6280 Storm Drainage Fund To:</b>						
7010	6280	General Fund				Insurance Certificate Prog. (4302)
7320	6280	Workers Comp Fund	9.241	9.241	9.146	Storm Drain Operations WC (7000)
<b>Total</b>			<b>9.241</b>	<b>9.241</b>	<b>9.146</b>	
<b>From 6310 Airport Operations Fund to:</b>						
0100	6310	General Fund				Loan Repayment
0100	6310	General Fund				Insurance Certificate Prog. (4302)
7320	6310	Workers Comp Fund	0.925	0.925	1.030	Airport Operations WC (7000)
<b>Total</b>			<b>0.925</b>	<b>0.925</b>	<b>1.030</b>	
<b>From 6330 County Aircraft Revenue to</b>						
6310	6330	Aircraft Operations				Closure of fund 6330
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 6510 Bus Services Fixed Route Fund to:</b>						
0100	6510	General Fund	18.000	18.000	18.000	Tenth Street Place Project (7000)
<b>Total</b>			<b>18.000</b>	<b>18.000</b>	<b>18.000</b>	
<b>From 6540 Fixed Bus Max Operations to:</b>						
6540	0100	General Fund				Insurance Certificate Prog. (4302)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 6550 Bus Fixed Route Alternative Trans Fund To:</b>						
7320	6550	Workers Compensation Fund	2.365	2.365	2.639	Bus Fixed Rt- Alt Transport WC (7000)
<b>Total</b>			<b>2.365</b>	<b>2.365</b>	<b>2.639</b>	

## Operating Inter-Fund Transfers OUT - Detail

Transfer Out (\$ in Thousands)			Adopted	Estimate	Proposed	Purpose
			06-07	06-07	07-08	
<b>From 6700 Centre Plaza Event Services Fund to:</b>						
6710	6700	Centre Plaza FF&E Fund	147,285	147,285	75,600	FF&E
<b>Total</b>			<b>147,285</b>	<b>147,285</b>	<b>75,600</b>	
<b>From 7200 Fleet Operations Fund to:</b>						
7320	7200	Workers Compensation Fund	9,053	9,053	6,936	Fleet Operations WC (7000)
<b>Total</b>			<b>9,053</b>	<b>9,053</b>	<b>6,936</b>	
<b>From 7210 Fleet Equipment Replacement Fund</b>						
6290	7210	Composting				Composting (5222)
7200	7210	Fleet Fund				Fleet Operations (5813)
7200	7210	Fleet Fund				Fleet Operations (5813)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 7330 Insurance Liability Fund to:</b>						
0700	7330	Gas Tax Fund				Sidewalk Repair 4725
7320	7330	Workers Comp Fund				Workers Comp
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 7340 Property Insurance Fund to:</b>						
7320	7340	Workers Comp Fund	420,000	420,000		Workers Comp
<b>Total</b>			<b>420,000</b>	<b>420,000</b>		
<b>From 7510 Employee Benefits Management Fund to:</b>						
0100	7510	General Fund				PERS Contribution
6540	7510	Fixed Bus Max Operations				Transportation Transit (1672)
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 7800 Building Services Fund</b>						
7320	7800	Workers Comp Fund	8,844	8,844	9,001	Building Services WC (7000)
<b>Total</b>			<b>8,844</b>	<b>8,844</b>	<b>9,001</b>	
<b>From 8900 TRRP (Operations) Fund to:</b>						
8910	8900	TRRP (CIP) Fund				Land Use
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>From 9020 RDA COP Debt Service Fund to:</b>						
9060	9020	Housing Set Aside				
9450	9020	Public Financing Authority 1998 Bond Fund	920,690	920,690	862,000	Debt Service Payment
<b>Total</b>			<b>920,690</b>	<b>920,690</b>	<b>862,000</b>	
<b>From 9070 RDA Tenth St. Project</b>						
9020	9070	RDA COP Debt Svc				Debt Service Fund
<b>Total</b>			<b>0.000</b>	<b>0.000</b>		
<b>Grand Total</b>			<b>17,860,395</b>	<b>24,839,244</b>	<b>21,629,486</b>	

## City of Modesto Financial Policies

1. Budget Adoption Level: The city wide, legally adopted level for the budget of any program is by department at the Fund level.
2. General Fund Reserve: The Council has established the unappropriated reserve's minimum level to be 8% of the current appropriations for operating expenditures and operating transfers-out.
3. Forecasting Model: For the General, Enterprise, Internal Service and Capital Project and other major funds the Finance Department will maintain either a 5 or 10-year financial forecasting model to assess the city's ability to respond to changes in anticipated revenue levels, capital improvement program needs and changes proposed in operating costs. (the use of a 5 or 10-year model will depend on the conditions that apply to each fund)
4. Enterprise Funds and other Non-General Fund Operations: These activities should be self-supporting and should maintain reserve levels that are adequate to protect against fluctuations in revenue and expenditure levels. Activities that deviate from this requirement shall be identified for the City Council annually at the time of budget adoption. Exempt from this requirement are those funds that account solely for grant funds.
5. Inter-fund Loans and Loans to Component Units: Loans between funds and loans to the RDA and other component units of the city should be considered in light of a multi-year business plan that demonstrates a reasonable ability to repay the loan. All inter-fund loans and loans to component units, either existing or proposed, shall be identified for the City Council at the time of budget adoption. Generally, inter-fund loans and loans to component units shall be established with a repayment deadline that reflects the earliest feasible opportunity for repayment of the loan. Interest rates charged on the loan shall be based on the actual rate of return earned by the city's investment portfolio during the 12-month period immediately preceding a payment date.
  - a. Note that the terms and conditions for existing loans between the City and the Redevelopment Agency are governed by one or more separate resolutions adopted at the time the loans were approved.
6. Interest Allocation: Interest shall be allocated quarterly to all funds based on their average monthly balances during each quarter.
7. Direct Charges between Funds: Costs charged between funds such as force-account labor and other direct costs shall be charged on the basis of actual cost and not on the budgeted amount, unless a separate contract exists between the managers of the two programs allowing the use of the budgeted amount as the basis for the charge.
8. Inter-fund Transfers: Unless direction is given at the time an inter-fund transfer is approved that the amount to be transferred between funds is not subject to adjustment based on a share of cost formula, all inter-fund transfers shall be based upon the sending fund's pro rata share of any project costs or other

obligation that is the basis for the transfer. Therefore, a reconciliation of the share of costs allocable to the fund(s) from which resources are to be transferred shall be performed prior to the year-end closing of the city's financial records and shall become the basis for determining the actual amount of any resources to be transferred. It is the intent of this policy that any transfers designed to provide a subsidy to the operations of another fund shall not exceed the amount needed to provide sufficient resources to make revenues equal expenditures unless other direction is provided by the City Council.

All inter-fund transfers and their purpose shall be identified to the Council annually, at the time of the budget adoption.

9. Multi-year appropriations: Appropriations for certain grants and on-going Capital Improvement Program projects that were authorized in previous years and that are not fully expended shall be deemed valid until revoked. Appropriations related to certain developer-funded expenditures may also be treated as multi-year appropriations.
10. Fund Replacement Reserves: In order to provide future resources for the replacement or repair of depreciable assets, each fund shall establish a list of depreciable assets, including useful lives and replacement costs, that will determine the amount to be set-aside annually to allow the timely replacement or repair of these assets. Each program manager shall also establish a plan for funding the reserve and shall disclose the adequacy of the reserve level annually to the City Council as part of the annual budget adoption process.
11. Budget Adjustment Authority: The following budgetary adjustment actions are delegated to the parties shown below.

a. City Council

- i. Appropriation of undesignated reserves
- ii. Appropriation of new revenues
  1. Does not include Developer Payments
- iii. Budgeting inter-fund transfers
  1. Does not include adjustments to budgeted transfers where the intent is to subsidize an enterprise operation as shown in item (x) under the City Manager's budget adjustment authority shown on page 3.
- iv. Creation of inter-fund loans
- v. Creation of, or increase in, any multi-year appropriation
- vi. Addition of permanent staff positions
  
- vii. Appropriation of payments for new indebtedness including operating leases
- viii. All other budgetary actions not delegated to another official

City Manager

- i. Transfer appropriations between departments within a fund
- ii. Changing any capital equipment appropriation
- iii. Changing appropriations for temporary agency labor
- iv. Transfer appropriations to or from salary line items

- v. Appropriate reserves for litigation on a case-by-case basis
  - vi. Revoke multi-year appropriations
  - vii. Transfer appropriations from a primary capital project to create or modify the budget of a related secondary capital project without increasing the total appropriations
  - viii. Transfer appropriations between two or more related secondary capital projects without increasing the total appropriations
  - ix. Close Capital Improvement Program projects
  - x. Adjustments to Inter-fund transfers intended to balance enterprise fund operations where the cumulative total of any adjustment does not increase the original City Council approved appropriation by more than \$50,000.00
  - xi. Appropriate Developer Payments not previously budgeted
    - 1. Annexation Deposits
    - 2. Special District Formation Deposits
    - 3. Developer Deposits to be recognized as revenue
- b. Finance Director's Authority
- i. Appropriate unbudgeted grant interest
  - ii. Revise the allocation of Internal Service Fund charges between departments, provided that the total allocated amount does not increase (any such changes to the allocation shall not result in an increase or decrease to the total amount of discretionary appropriations provided to the affected department(s))
  - iii. Make technical budget corrections to implement the intent of Council-approved actions and resolutions
  - iv. Transfer appropriations between sub-funds of a single fund (except where this changes appropriation amounts for temporary agency labor and/or capital equipment purchases)
- c. Department Director's Authority
- i. Transfer appropriations between non-salary line items within a department, within a single fund (excludes appropriations related to capital equipment, capital improvement program projects and temporary agency labor)

## Capital Projects

12. Capital Improvement Program Budget: The 10-year Capital Improvement Program budget shall reflect the goals and policies established by the General Plan and adopted Specific Plans. Emphasis shall also be given to the need for identification of opportunities to mitigate inadequate and deteriorating infrastructure. Care shall be given to utilize available resources and grants in a manner that legitimately maximizes the city's capacity to complete the capital improvements described above.

### CIP Purpose

The purpose of the Capital Improvement Program (CIP) Budget Process is to allow the city to systematically plan, schedule, manage, monitor and finance capital projects to ensure cost-effectiveness and conformity with established policies. The CIP is a ten-year plan organized into the same functional groupings used for the operating programs. The CIP reflects a balance between capital replacement projects that repair, replace or enhance existing facilities, equipment or infrastructure and capital facility projects that significantly expand or add to the City's existing fixed assets.

### Requirements to Qualify for the CIP:

1. Cost should be \$100,000 or more for the life of the project
2. May take more than a single year to complete
3. Project revenues and expenditures must be clearly identified and balanced
4. Projects must have an identifiable timeline that includes periodic milestones
5. Maintenance costs to increase the life of the City's infrastructure, replacement costs for infrastructure and the budgeting of amounts to be set-aside in a reserves to create future funding for a project not defined as a Capital Project, but are included in the Capital Improvement Project (CIP) budget document.

Examples of these include:

- Pavement maintenance
- Water System Downstream Improvements

6. Certain purchases and installation of fixed assets may also be included in the CIP budget plan

7. Every capital project will have a project manager who will prepare the project proposal, ensure that required phases are completed on schedule, authorize all project expenditures, ensure that all regulations and laws are observed, and periodically report project status to the City Council. The project manager ensures that projects comply with the requirements imposed by the guidelines controlling the various revenue sources that are used to finance capital project costs. The project manager shall also coordinate project accounting with the Finance Department.

### Primary-Secondary Project Relationships

The CIP frequently contains several projects that are similar in nature. For example, Public Works proposes projects to replace or upgrade traffic signals at different intersections throughout the City. The construction at each intersection is considered a separate project.

The City Council previously approved grouping similar projects together in a “primary-secondary” relationship. Using the traffic signal example, “Traffic Signals” is the “primary” project, with individual “secondary” projects identified when either construction or construction design on each specific intersection will begin. Note that the primary project description must include a description of each of the secondary projects related to it.

To summarize, the primary project serves as the budgetary control device for both the primary and secondary components. The City Manager has the authority to move funding from one secondary project to another secondary project, as long as the overall project appropriation level does not change. This approach allows for greater flexibility and efficiency when programming multiple projects of the same type.

#### The Capital Improvement Program Budgeting Process - Generally

Section 65401 of the Government Code and Section 10-1.102 of the Modesto Municipal Code, requires the Planning Commission to review all new capital projects to determine if they conform with the City’s adopted *Modesto Urban Area General Plan*.

Existing projects are reviewed annually by the Finance Department. This review uses financial information to identify project progress and completion timelines. This will be integrated into the budget proforma review process.

The Finance Department will work with the capital project managers to develop CIP revenue forecasts for the budget year. This analysis will be compiled and distributed by the Finance Department to the appropriate project managers.

The Senior Executive Team will review and prioritize all existing capital projects to assure consistency with the City’s General Plan and the City’s vision statement.

The City Council will review new projects and approve the re-appropriation of funds for existing projects as part of the annual Capital Improvement Project budget cycle.

Projects to be closed will be identified by the project managers and submitted by the appropriate Department Director through the Finance Director to the City Manager for closure. The City Manager has the final authority to close the projects using the CIP Closure Form. The reasons for closing a project may include:

- Project Completion
- Delays due to unanticipated costs or events
- Change in Council direction

#### Capital Improvement Program (CIP)– Budgeting Policies

1. Project costs are appropriated only when the required revenues are available.
  - a. For projects financed with grant monies, the grant award must be accepted by the City Council. Note that a copy of the final grant award must be provided to the Finance Department.
  - b. For projects financed with debt, the financing must be completed before the project can be considered for the CIP, unless a reimbursement resolution has been adopted by the City Council.

2. Budget actions involving any Federal, State or grant funded CIP are restrained by the conditions of the funding award.
3. Project costs will be included in the CIP in phases, i.e. projects that are not bid-ready will reflect appropriations only through the design phase.
4. Appropriations needed for the construction phase are based on the bid awarded at the time the appropriation(s) for construction, contingency and construction management costs are requested.
5. If project costs at the time of bid award are greater than the funding available at that time, four options are typically available:
  - a. Eliminate the project.
  - b. Defer the project for consideration to the next budget cycle.
  - c. Re-scope or change the phasing of the project to meet the existing budget.
  - d. Request to close one or more other projects that are not time-sensitive, where doing so will not create a hardship. This will allow a new appropriation to be created from the funding restored in the fund balance.
6. Projects that are not included in the annual CIP adoption process may be added later in the year but must meet the policy requirements identified above and must be previously approved by the Planning Commission.

### **Capital Project Reporting and City Council Updates**

#### **Project Status Reports**

Project milestones will be listed as objectives in the CIP program narratives to facilitate project tracking. Status reports for all CIP appropriations shall be filed with the City Council every October and May. Recurring status reports shall include:

1. The name of the project manager
2. Actual costs incurred compared to the budget, by phase.
3. Original timeline compared to the current timeline with an explanation for variances that push the deadline more than 30 days beyond the original date
4. The amount of funding received, if any, from outside sources or via transfers
5. The status of any required compliance reporting.

**CAPITAL IMPROVEMENT PROJECTS (Interim)  
FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized		
1	0510	430	H467	Kansas Emerald To Carptr	\$968,039	\$44,900	\$923,139				
2	0510	160	E691	Traffic Ops Facility	\$61,000		\$61,000				
3	<b>0510 Total</b>				<b>\$968,039</b>	<b>\$44,900</b>	<b>\$923,139</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
4	0520	160	N045	Virginia Corrid_Safe Sch (101)	\$490,000	\$479,235	\$10,765	\$441,000	\$336,063		
5	<b>0520 Total</b>				<b>\$490,000</b>	<b>\$479,235</b>	<b>\$10,765</b>	<b>\$441,000</b>	<b>\$336,063</b>	<b>\$0</b>	<b>\$0</b>
6	0700	160	E451	Pedestrian Countdwn Indicator	\$45,000	\$24,471	\$20,529				
7	0700	160	E453	Maintain Atms Cctv System	\$60,000	\$29,132	\$30,868				
8	0700	430	C926	7Th St Bridg Prelim Dsgn (012)	\$49,150	\$39,196	\$9,954	\$0	\$160,154		
9	0700	430	F265	Kansas/Needham Ovhd Pro(GS6082)	\$12,769,085	\$12,506,471	\$262,614	\$13,967,000	\$14,512,357		
10	0700	430	H485	Pavement Condition Survey	\$230,000	\$17,947	\$212,053	\$204,766	\$0		
11	<b>0700 Total</b>				<b>\$13,153,235</b>	<b>\$12,617,216</b>	<b>\$536,019</b>	<b>\$14,171,766</b>	<b>\$14,672,511</b>	<b>\$0</b>	<b>\$0</b>
12	0800	140	L092	Kiernan Bus Prk Storm Dr Stdy	\$50,000	\$60	\$49,940				
13	<b>0800 Total</b>				<b>\$50,000</b>	<b>\$60</b>	<b>\$49,940</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
14	1300	120	Q237	Counter Reconstruction	\$230,000	\$29,169	\$200,831				
15	1300	160	M282	Backup Battery Systems-Traffic	\$200,000	\$133,825	\$66,175				
16	1300	190	M168	Police Tactical Training Cente	\$2,052,430	\$1,905,190	\$147,240			\$100,000	\$100,000
17	1300	310	M163	Neighborhood Ctr Marshall Park	\$5,944,400	\$5,134,979	\$809,421	\$166,485	\$166,485		
18	1300	430	K859	Corporation Yard Land Acqtn	\$17,137	\$7,995	\$9,142				
19	1300	430	M710	Repaint Modesto Arch	\$45,000	\$0	\$45,000				
20	1300	480	H683	Fy06-07 Road Mtc Projects	\$1,800,000	\$1,214,451	\$585,549				
21	<b>1300 Total</b>				<b>\$10,288,967</b>	<b>\$8,425,608</b>	<b>\$1,863,359</b>	<b>\$166,485</b>	<b>\$166,485</b>	<b>\$100,000</b>	<b>\$100,000</b>
22	1310	190	G485	Northeast Police Station	\$600,000	\$0	\$600,000				
23	<b>1310 Total</b>				<b>\$600,000</b>	<b>\$0</b>	<b>\$600,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
24	1350	310	A081	Creekwood Park Shade Structure	\$75,000	\$45,363	\$29,637	\$36,531	\$0		
25	1350	310	M178	Sutton Community Park	\$542,000	\$111,600	\$430,400				
26	1350	310	P331	Lighting Playgrounds & Shade S	\$166,000	\$0	\$166,000				
27	1350	310	P380	Phase 1 Lightng Playgrnd Shade	\$290,896	\$32,394	\$258,502				
28	1350	310	P402	Sanders Neighborhood Park	\$3,188,000	\$2,789,246	\$398,754				
29	1350	310	P406	Stockard Coffee Shade Structur	\$55,350	\$3,404	\$51,946				
30	1350	310	P469	Sylvan & Marshall Pk Spray Grd	\$117,800	\$29,471	\$88,329				
31	1350	310	P501	Mary E Grogan Community Park	\$1,130,074	\$81,186	\$1,048,888				
32	1350	310	P503	New Parkland Acquisition	\$1,370,485	\$0	\$1,370,485	\$930,000	\$0		
33	1350	310	P855	Sharp Park House Removal/Imprv	\$200,000	\$1,799	\$198,201				
34	1350	310	P856	Ne Community Services Center	\$210,000	\$188	\$209,812				
35	1350	310	Q233	Freedom Neighborhood Park	\$2,559,701	\$2,327,234	\$232,467				
36	<b>1350 Total</b>				<b>\$9,905,306</b>	<b>\$5,421,882</b>	<b>\$4,483,424</b>	<b>\$966,531</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
37	136	160	P854	Thurman Field Improvements	\$471,091	\$471,201	(\$110)				
38	<b>136 Total</b>				<b>\$471,091</b>	<b>\$471,201</b>	<b>(\$110)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
39	1400	310	M185	Infrastructure Preservation	\$1,443,146	\$1,130,078	\$313,068	\$217,146	\$20,146		

**EXHIBIT 5**

**CAPITAL IMPROVEMENT PROJECTS (Interim)**  
**FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized		
40	1400	310	P493	Park System Improvements	\$325,276	\$254,252	\$71,024				
41	1400	310	P504	Geo A Rogers Park P3(Orwright)	\$74,000	\$4,477	\$69,523	\$36,276	\$0		
42	1400	310	P733	School Facilities Infrastruct	\$463,511	\$226,604	\$236,907	\$16,000	\$0		
43	1400	310	P734	Park Partners	\$184,190	\$144,912	\$39,278				
44	1400	310	P854	Thurman Field Improvements	\$3,000,000	\$424,021	\$2,575,979	\$2,400,000	\$0		
45	1400	Parks		Dennett Dam Removal						\$300,000	\$300,000
46	<b>1400 Total</b>				<b>\$5,490,123</b>	<b>\$2,184,343</b>	<b>\$3,305,780</b>	<b>\$2,669,422</b>	<b>\$20,146</b>	<b>\$300,000</b>	<b>\$300,000</b>
47	141	160	P854	Thurman Field Improvements	\$218,006	\$217,897	\$109				
48	<b>141 Total</b>				<b>\$218,006</b>	<b>\$217,897</b>	<b>\$109</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
49	1410	020	H476	Develpr Reimburse Imprv/Row	\$2,919,454	\$692,339	\$2,227,115				
50	1410	160	A154	Woodland Int Impr9&Carpentr120	\$403,131	\$93,792	\$309,339	\$354,120	\$34,751		
51	1410	160	E097	Traffic Cntrl Upgrades-Cff Pri	\$1,728,081	\$0	\$1,728,081				
52	1410	160	E286	Traffic Control Devices	\$1,322,309	\$0	\$1,322,309				
53	1410	160	E635	Arterial Roundabouts(119)	\$538,035	\$29,447	\$508,588	\$411,664	\$277,853		
54	1410	160	E669	Briggs/Mchenry Left Turn Secon	\$254,225	\$15,855	\$238,370	\$221,325	\$0		
55	1410	160	E674	Claus Sylv/Floyd/Linc-Carp/Sec	\$968,040	\$52,056	\$915,984	\$849,888	\$0		
56	1410	160	E677	Upgrade Signals Briggs/Car Sec	\$157,845	\$14,107	\$143,738	\$140,034	\$0		
57	1410	160	E678	Roselle Hillgelen Kodiak Secon	\$467,807	\$15,967	\$451,840	\$400,376	\$16,251		
58	1410	160	E689	Pelandale Cctv/Fiber Optics118	\$425,000	\$32,744	\$392,256	\$376,252	\$17,300		
59	1410	160	E695	Tully, Mt. Vernon, Coldwell	\$50,000	\$28,528	\$21,472				
60	1410	160	E740	Pelandale Interchange	\$1,329,000	\$888,254	\$440,746				
61	1410	160	E996	Oakdale-Briggsmore	\$30,000	\$6,463	\$23,537				
62	1410	430	E298	Expand Atms-Primary	\$75,000	\$0	\$75,000				
63	1410	430	H420	Nw Modesto St Improv - Primary	\$0	\$0	\$0				
64	1410	430	H421	Bangs/Prescott St Improvement	\$179,129	\$10,539	\$168,590				
65	1410	430	H422	Dale/Pelandale St Improvement	\$440,000	\$94,138	\$345,862				
66	1410	430	H424	Pelandale Sisk To 99 Improve	\$1,778,577	\$267,108	\$1,511,469	\$369,000	\$0	\$100,000	\$100,000
67	1410	430	H455	Clarantina Mchenry-Coffee 4 Ln	\$350,000	\$1,689	\$348,311				
68	1410	430	H461	6 Lns Dale To Mchenry-Secondar	\$16,195,259	\$2,850,271	\$13,344,988			\$2,000,000	\$2,000,000
69	1410	430	H465	Carpenter Rd Bridge Seism(064)	\$34,000	\$10,271	\$23,729	\$192,000	\$0	\$372,000	\$372,000
70	1410	430	H468	Plan Lines - Primary	\$92,500	\$0	\$92,500				
71	1410	430	H476	Develpr Reimburse Imprv/Row	\$1,454,583	\$1,354,583	\$100,000				
72	1410	430	H694	Lincoln/Lakewood Row Presv-Sec	\$500,000	\$11,801	\$488,199				
73	1410	430	H716	Claratina Plan Line - Secondar	\$25,000	\$19,624	\$5,376				
74	1410	430	H719	Briggsmore:Oakdale To Claus	\$3,279,535	\$3,036,383	\$243,152				
75	1410	430	N496	Pelandale Intersection Improve	\$3,872,334	\$3,671,322	\$201,012				
76	1410	430	Q210	Claratina - Coffee To Oakdale	\$589,330	\$36,890	\$552,440				
77	1410	440	M283	Claus Rd. Plan Line	\$100,000	\$25,059	\$74,941				
78	<b>1410 Total</b>				<b>\$39,558,174</b>	<b>\$13,259,232</b>	<b>\$26,298,942</b>	<b>\$3,314,659</b>	<b>\$346,155</b>	<b>\$2,472,000</b>	<b>\$2,472,000</b>

**CAPITAL IMPROVEMENT PROJECTS (Interim)**  
**FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized		
79	1430	020	H403	Develpr Reimburse Imprv/Row	\$63,737	\$63,737	\$0				
80	1430	430	H403	Develpr Reimburse Imprv/Row	\$132,534	\$132,534	\$0				
81	<b>1430 Total</b>				<b>\$196,271</b>	<b>\$196,271</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
82	2300	160	A009	Scenic/Lakewood Lght Xwkw(111)	\$30,000	\$29,568	\$432	\$26,559	\$0		
83	2300	160	A010	Sharon/Maid Marianne Rdbl(112)	\$240,000	\$220,305	\$19,695	\$212,472	\$135,802		
84	2300	160	A221	Ots Lighted Crosswks Various	\$120,000	\$109,931	\$10,069	\$60,000	\$60,000		
85	2300	160	A265	Lower Uprr Crossings(0801)	\$1,704,881	\$1,693,178	\$11,703	\$1,363,905	\$914,397		
86	2300	160	N060	Scenic/Bodem Rt Turn Lane(104)	\$281,883	\$281,693	\$190	\$154,268	\$46,029		
87	2300	160	N062	Traffic Coord Downtown (100)	\$198,707	\$198,707	\$0	\$159,354	\$159,354		
88	2300	160	N064	Expand Atms College Ave(106)	\$165,610	\$155,028	\$10,582	\$146,614	\$81,135		
89	2300	160	N068	5 Traffic Sig Mod-State (102)	\$400,000	\$377,085	\$22,916	\$354,120	\$267,606		
90	2300	160	Q005	Fed (Hes) Grant Str Lights 128	\$178,000	\$89,703	\$88,297	\$160,200	\$67,160		
91	2300	310	A012	1230 12Th Street Retrofit	\$607,250	\$211,466	\$395,784	\$0	\$0		
92	2300	310	A080	Briggsmore/99 Beautification	\$1,375,000	\$205,375	\$1,169,625	\$1,300,000	\$108,730		
93	2300	310	A087	Virginia Corridor Phase I Cons	\$4,520,279	\$321,506	\$4,198,773	\$8,713,798	\$0		
94	2300	310	M182	Maddux Youth Cntr Improvement	\$3,292,262	\$3,211,382	\$80,880	\$1,257,262	\$1,188,043		
95	2300	310	N442	Play Equipment Upgrades	\$455,481	\$452,924	\$2,557	\$430,723	\$0		
96	2300	310	P712	Virginia Corridor Phase II	\$270,364	\$250,689	\$19,675				
97	2300	310	P713	Virginia Corridor Phase III	\$3,950,155	\$365,083	\$3,585,072	\$500,000	\$0		
98	2300	430	M203	9Th Street Bridge Repl (054)	\$28,686,645	\$23,405,765	\$5,280,880	\$28,575,393	\$20,976,998		
99	2300	430	N489	Community Gateways (114)	\$502,474	\$455,187	\$47,287	\$305,020	\$254,651		
100	<b>2300 Total</b>				<b>\$46,978,991</b>	<b>\$32,034,573</b>	<b>\$14,944,418</b>	<b>\$43,719,688</b>	<b>\$24,259,905</b>	<b>\$0</b>	<b>\$0</b>
101	2330	310	P502	Monterosso Trailhead (069)	\$611,000	\$96,432	\$514,568	\$611,000	\$97,118		
102	2330	320	P432	Remove Water Tower 17Th And G	\$150,000	\$568	\$149,432				
103	2330	310	P500	KKMC Kitc/Auditorium (2nd project)	\$280,000	\$75,211	\$204,789	\$280,000			
104	2330	320	P849	Kkmc Kitc/Auditorium Phase II	\$659,805	\$310	\$659,495				
105	<b>2330 Total</b>				<b>\$1,700,805</b>	<b>\$172,521</b>	<b>\$1,528,284</b>	<b>\$891,000</b>	<b>\$97,118</b>	<b>\$0</b>	<b>\$0</b>
106	2370	160	E328	Street Lighting & High Circuit	\$0	\$0	\$0				
107	2370	160	E330	Traffic Control Upgrades-Gas T	\$153,053	\$0	\$153,053				
108	2370	160	E520	Sr219 Proj Coord Svc Sec-E330	\$150,000	\$17,339	\$132,661				
109	2370	160	E602	Ptco Traffic Cntrl Devices	\$452,841	\$0	\$452,841				
110	2370	160	E632	Signal Modif 12Th/La Loma(117)	\$384,000	\$325,891	\$58,109	\$327,560	\$18,969		
111	2370	160	E640	Rndabl Kodiak/Linc Oak Seconda	\$223,131	\$1,403	\$221,728	\$197,201	\$262		
112	2370	160	E645	Rndabl Col/Bow,Kod/Tem,Mer Sec	\$636,485	\$46,355	\$590,130	\$546,585	\$28,738		
113	2370	160	E646	T/S New J/16Th Secondary	\$229,586	\$21,128	\$208,458	\$198,129	\$6,322		
114	2370	160	E662	Lighted Crosswalks-Secondary	\$232,963	\$169,415	\$63,548	\$188,016	\$0		
115	2370	160	E663	Rt Carp/State & Sisk Secondary	\$1,107,455	\$14,243	\$1,093,212	\$973,830	\$0		
116	2370	160	E664	Upgrd T/S 12/J&Laloma/Bur Seco	\$330,641	\$23,485	\$307,156	\$280,483	\$0		
117	2370	160	E667	Detector Loops Secondary	\$286,243	\$250,814	\$35,429	\$247,884	\$14,164		

**CAPITAL IMPROVEMENT PROJECTS (Interim)**  
**FY 2007-08**

No.	Fund	Agy	Orgn	Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV	
				Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized			
118	2370	160	E672	T/S New Sisk/Vintage Faire	\$241,226	\$1,226	\$240,000	\$212,472	\$0		
119	2370	160	E687	Synch Sigs Outside Downtown127	\$350,000	\$7,636	\$342,364	\$309,885	\$2,875		
120	2370	160	E690	Lighted Crosswalk (116)	\$289,000	\$236,626	\$52,374	\$247,884	\$9,089		
121	2370	160	E697	Tully/Woodrow	\$120,000	\$61,862	\$58,138				
122	2370	160	E701	California Ave Improve (131)	\$210,000	\$176,334	\$33,666	\$166,500	\$0		
123	2370	160	E736	Ped/Bicyclist Safety Enhancmts	\$150,000	\$64,623	\$85,377	\$110,000	\$13,720		
124	2370	160	E737	Low Cost Traffic Improve-Gas T	\$50,000	\$1,190	\$48,810				
125	2370	160	E947	High Voltage Repair-Sec	\$106,314	\$106,314	\$0			\$170,000	\$170,000
126	2370	160	E955	Safe Rte To School Grt-Contant	\$427,000	\$0	\$427,000	\$384,300	\$0		
127	2370	160	E961	Neigh Traffic Calming-Sec Fy07	\$25,000	\$9,787	\$15,213				
128	2370	160	E962	Striping Mod Fy07	\$40,000	\$2,975	\$37,025				
129	2370	160	E964	Eliminate Traff Btlks Fy07	\$50,000	\$847	\$49,153				
130	2370	160	E965	Traffic Signal Mod Fy07	\$50,000	\$474	\$49,526				
131	2370	160	E974	Striping Mod Equip Replac -Sec	\$6,872	\$0	\$6,872				
132	2370	430	H404	Fed Pavemt Rehab 9Th Sec	\$1,776,328	\$191,805	\$1,584,523	\$1,538,500	\$0		
133	2370	430	H475	Fed Funded Pvmt Mtc-Primary	\$0	\$0	\$0				
134	2370	430	H580	Sylvan/Mchenry To Coffee	\$4,103,629	\$191,305	\$3,912,324	\$3,529,495	\$107,033		
135	2370	430	H769	Fed Pvt Rehab Claus To Scenic	\$130,000	\$1,082	\$128,918	\$115,000	\$0		
136	2370	430	H930	Dale Rd/Kiernan Intersection	\$350,000	\$8	\$349,992	\$320,000	\$0		
137	<b>2370 Total</b>				<b>\$12,661,767</b>	<b>\$1,924,168</b>	<b>\$10,737,599</b>	<b>\$9,893,724</b>	<b>\$201,171</b>	<b>\$170,000</b>	<b>\$170,000</b>
138	2600	020	A107	Floyd Ave-Oakdale To Roselle	\$5,464,100	\$4,336,516	\$1,127,584				
139	<b>2600 Total</b>				<b>\$5,464,100</b>	<b>\$4,336,516</b>	<b>\$1,127,584</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
140	2641	020	X725	Fairview Village H20 System	\$1,621,100	\$887,991	\$733,109	\$1,621,100	\$1,621,100	\$75,721	\$75,721
141	<b>2641 Total</b>				<b>\$1,621,100</b>	<b>\$887,991</b>	<b>\$733,109</b>	<b>\$1,621,100</b>	<b>\$1,621,100</b>	<b>\$75,721</b>	<b>\$75,721</b>
142	2680	020	A102	Snyder Ave (Prescott & Carver)	\$46,000	\$46,000	\$0			\$500,000	\$500,000
143	2680	020	Q318	Stormdrain Basins Pump St	\$2,134,425	\$1,887,889	\$246,536	\$665,000	\$0		
144	<b>2680 Total</b>				<b>\$2,180,425</b>	<b>\$1,933,889</b>	<b>\$246,536</b>	<b>\$665,000</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$500,000</b>
145	2691	020	A114	Roselle&Floyd Int Ctrl,Rd Wide	\$4,383,362	\$3,696,108	\$687,254	\$4,383,362	\$4,557,690		
146	2691	020	Q310	Pedestrian Overcrossing	\$2,751,676	\$2,058,890	\$692,786	\$2,876,676	\$2,376,676		
147	2691	020	Q312	Sylvan/Roselle Intersection	\$3,921,555	\$2,942,087	\$979,468	\$3,503,449	\$3,659,177		
148	2691	020	Q315	Merte Road Improvmt	\$40,000	\$0	\$40,000	\$40,000	\$228,746		
149	2691	020	Q317	Sylvan-So. Bet. Oakdale/Wood S	\$46,461	\$213	\$46,248				
150	2691	020	X507	Ss Sylvan Betwn Roselle/Millbk	\$1,640,200	\$152,251	\$1,487,949	\$1,640,200	\$1,640,200		
151	2691	020	X512	Floyd Ave Btwn Roselle & Fine	\$5,780,000	\$310,809	\$5,469,191	\$5,780,000	\$5,000,000		
152	2691	020	X521	36 Rcp Along Kodiak Dr"	\$187,100	\$0	\$187,100	\$187,100	\$187,100	\$3,000	\$3,000
153	2691	020	X527	Oakdale & Road G Intersection	\$790,270	\$180,815	\$599,455	\$790,270	\$790,270		
154	2691	020	X532	Roselle Ave Btwn Sylvan Floyd	\$890,400	\$130,231	\$760,169			\$300,000	\$300,000
155	2691	020	X536	Sylvan And Litt Intersection	\$1,687,000	\$459,836	\$1,227,164				
156	2691		X744	Village One Proceeds Primary	\$3,076,630	\$0	\$3,076,630	\$3,135,410	\$1,095,709		

**CAPITAL IMPROVEMENT PROJECTS (Interim)**  
**FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized		
157	<b>2691 Total</b>				<b>\$25,194,654</b>	<b>\$9,941,241</b>	<b>\$15,253,413</b>	<b>\$22,336,467</b>	<b>\$19,535,568</b>	<b>\$303,000</b>	<b>\$303,000</b>
158	2750	020	X510	Instll Stormdrain Basin Landsc	\$63,000	\$0	\$63,000				
159	<b>2750 Total</b>				<b>\$63,000</b>	<b>\$0</b>	<b>\$63,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
160	6000	350	P597	Parking Garage Projects	\$903,834	\$13,487	\$890,347				
161	6000	350	P866	Parking Lot Maintenance	\$180,000	\$0	\$180,000				
162	<b>6000 Total</b>				<b>\$1,083,834</b>	<b>\$13,487</b>	<b>\$1,070,347</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
163	6180	430	A202	Mrwtp Phase2 Exp Distrib Imprv	\$2,623,535	\$2,576,771	\$46,764	\$1,044,412			
164	6180	430	W361	Downstream Improvements Prvs	\$30,000	\$9,946	\$20,054				
165	6180	430	W363	City Downstream Imp Tier 1 &2	\$1,280,000	\$272,268	\$1,007,732	\$1,248,312	\$0		
166	6180	430	W368	Wellhd Treatmt W21 Pce-Secondr	\$568,827	\$529,303	\$39,524	\$738,000	\$738,000		
167	6180	430	W410	Urban Watermgmt	\$164,276	\$147,216	\$17,060	\$8,320	\$8,320		
168	6180	430	W414	Tid Surface Water Supply Proj.	\$1,005,433	\$8,834	\$996,599	\$940,000	\$0		
169	6180	430	W415	Water Quality Study (Primary)	\$240,000	\$1,939	\$238,061				
170	6180	430	W425	Downstream Improvements-Primar	\$41,442,000	\$0	\$41,442,000	\$41,013,529	\$0		
171	6180	430	W430	Wellhead Treatment-Primary	\$3,345,299	\$0	\$3,345,299			\$320,000	
172	6180	430	W436	Water System Analysis-Primary	\$23,475	\$0	\$23,475			\$60,000	\$60,000
173	6180	430	W439	Water Master Plan	\$750,000	\$309	\$749,691				
174	6180	430	W440	Groundwater Managemt-Primary	\$40,000	\$0	\$40,000			\$35,000	\$35,000
175	6180	430	W544	Well 49 Blending Line	\$10,000	\$3,991	\$6,009				
176	6180	430	W593	Well 53 Blending Line 2Nd	\$28,000	\$0	\$28,000				
177	6180	430	W601	Well 226 Arsenic Pilot-Seconda	\$88,560	\$68,754	\$19,806				
178	6180	430	W608	Modesto H2O Sys Analy-Secondar	\$55,000	\$51,976	\$3,024				
179	6180	430	W609	Outlying H2OSys Analy-Secondar	\$347	\$347	\$0				
180	6180	430	W620	Strgba-Gwmp Secondary	\$89,302	\$42,345	\$46,958				
181	6180	430	W620	Strgba-Gwmp Secondary	\$89,302	\$42,345	\$46,958				
182	6180	430	W621	Tgba-Gwmp Secondary	\$15,000	\$9,612	\$5,388				
183	6180	430	W629	Grayson Nitrate Pilot	\$51,100	\$60,000	(\$8,900)				
184	6180	430	W691	Memorial Hosp Wtr Cap Study-Se	\$27,500	\$27,940	(\$440)				
185	6180	430	W705	Whitmore/W55 Blending Line	\$270,000	\$208,935	\$61,065				
186	6180	430	W708	Galas Water Capacity Study 2Nd	\$82,975	\$82,475	\$500	\$50,000	\$50,000		
187	6180	430	W714	Wellhead Treatment Well#3 2Nd	\$121,000	\$74,694	\$46,306				
188	6180	430	W717	Well Contaminant Study 2Nd	\$177,701	\$152,234	\$25,467				
189	6180	430	W720	Wellhead Treatmt W66 Galas 2Nd	\$22,000	\$20,133	\$1,867				
190	6180	430	W730	Calif W283 Blendg Line-Second	\$54,000	\$5,000	\$49,000				
191	6180	430	W742	Secondary-Well 236 Blend Line	\$37,000	\$15,697	\$21,303				
192	6180	430	W794	South Modesto Water Supply Stu	\$350,000	\$0	\$350,000				
193	6180	430	W934	Smodesto Int Wtr Supply St Sec	\$159,178	\$133,302	\$25,876				
194	6180	480	W336	S. Modesto Interim Water Imprv	\$0	\$0	\$0				
195	6180	480	W376	S Modesto Pump Station (Secon)	\$788,580	\$552,163	\$236,417				

**CAPITAL IMPROVEMENT PROJECTS (Interim)  
FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized		
196	6180	480	W381	Mod Res H2O Meters (Sec) W416	\$1,250,000	\$1,350,731	(\$100,731)				
197	6180	480	W416	Water Meters Primary	\$840,159	\$0	\$840,159			\$300,000	
198	6180	480	W426	Extend Water Mains-Primary	\$1,212,316	\$0	\$1,212,316				
199	6180	480	W428	Strength/Replace H2O Sys-Prima	\$2,318,025	\$0	\$2,318,025			\$300,000	
200	6180	430	W430	Wellhead Treatment-Primary						\$527,009	
201	6180	480	W435	H2O Sys Security Enhance-Prima	\$529,000	\$0	\$529,000				
202	6180	480	W438	Tank Improvements-Primary	\$52,500	\$0	\$52,500				
203	6180	480	W441	Install New Wells-Primary	\$1,500,000	\$0	\$1,500,000				
204	6180	480	W442	Freedom Park W62-Secondary	\$1,073,801	\$995,747	\$78,054				
205	6180	480	W443	Mckinney Colony W64-Secondary	\$1,490,900	\$1,256,905	\$233,995				
206	6180	480	W445	Utility Cuts Streets (W569)	\$764,000	\$533,353	\$230,647				
207	6180	480	W449	Hickman Sys Improve Sec (W428)	\$54,510	\$42,355	\$12,155				
208	6180	480	W455	Replacement Pumps-Primary	\$500,000	\$0	\$500,000				
209	6180	480	W464	Leo Ave Sys Improv (Sec) W428	\$64,790	\$40,306	\$24,484				
210	6180	480	W572	Pelandale Waterline-Sec (W426)	\$26,180	\$26,180	\$0				
211	6180	480	W603	Security (Va) Tank 5 Site 2Nd	\$13,500	\$2,176	\$11,324				
212	6180	480	W604	Security (Va) Tank 6 Site 2Nd	\$11,693	\$9,098	\$2,595				
213	6180	480	W605	Security (Va) Codonisite 2Nd	\$26,750	\$26,446	\$304				
214	6180	480	W607	H2O Sec Sys Design All Sites-S	\$163,340	\$155,354	\$7,986				
215	6180	480	W610	Extend Water Mains-New Dev 2Nd	\$187,699	\$167,213	\$20,486				
216	6180	480	W614	Waterford Sys Improv-Secondary	\$268,971	\$132,670	\$136,301				
217	6180	480	W615	Modesto Syst Improv-Secondary	\$402,975	\$374,938	\$28,037				
218	6180	480	W616	Outlying Syst Improv-Secondary	\$218,347	\$194,674	\$23,673				
219	6180	480	W622	Replace Pumps-Modesto-Secondar	\$209,129	\$80,742	\$128,387				
220	6180	480	W623	Replace Pumps-Outlying-Second	\$61,000	\$49,910	\$11,090				
221	6180	480	W624	Waterford Well Testing-Second	\$120,000	\$1,869	\$118,131				
222	6180	480	W702	Waterfor Residential Meters2Nd	\$209,000	\$4,646	\$204,354				
223	6180	480	W703	Hickman Residential Meters 2Nd	\$47,500	\$0	\$47,500				
224	6180	480	W704	Salida Residential Meters 2Nd	\$213,000	\$157,610	\$55,390				
225	6180	480	W706	See Real" Org In Agcy 480"	\$27,000	\$20,000	\$7,000				
226	6180	480	W711	T6,T7,T8 Prelim Developmt 2Nd	\$10,000	\$10,000	\$0				
227	6180	480	W719	Security (Va) Tank 7 Site 2Nd	\$13,500	\$531	\$12,969				
228	6180	480	W721	Security (Va) Well 2 Site 2Nd	\$13,500	\$1,344	\$12,156				
229	6180	480	W722	Security (Va) Well 7 Site 2Nd	\$13,500	\$0	\$13,500				
230	6180	480	W723	Security (Va) Well 14 Site 2Nd	\$13,500	\$206	\$13,294				
231	6180	480	W724	Security (Va) Well 25 Site 2Nd	\$13,500	\$6,204	\$7,296				
232	6180	480	W729	Mildred Perkins W63-Secondary	\$581,736	\$492,186	\$89,550				
233	6180	480	W798	Sylvan/Roselle Rndbt H2O Sec	\$175,354	\$176,361	(\$1,007)				
234	6180	480	W937	Fairview Ave Service Forces	\$15,500	\$11,388	\$4,112				

**CAPITAL IMPROVEMENT PROJECTS (Interim)**  
**FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avall	Current Rev Budget	Recognized		
235	6180	480	W938	Del Vele Ave Service Trans	\$19,075	\$6,876	\$12,199				
236	6180	480	W942	Grayson Residential Meters Sec	\$77,915	\$50,738	\$27,177				
237	6180	480	W943	Del Rio Residential Meters Sec	\$62,989	\$368	\$62,621				
238	6180	480	W967	Stoddard Ave Water Line	\$31,162	\$14,245	\$16,917				
239	6180	480	W969	Bewley Acacia Rehab Service Se	\$55,975	\$42,441	\$13,534				
240	6180	480	W972	Kadota Ave Main & Services	\$15,567	\$14,646	\$921				
241	6180	480	W973	N Western Ave Mains & Service	\$94,293	\$68,213	\$26,080				
242	<b>6180 Total</b>				<b>\$69,092,541</b>	<b>\$11,617,195</b>	<b>\$57,475,346</b>	<b>\$45,042,573</b>	<b>\$796,320</b>	<b>\$1,542,009</b>	<b>\$95,000</b>
243	6181	480	W339	Tank 6 Improvements-Secondary	\$517,982	\$511,644	\$6,338				
244	6181	480	W342	Tank 7 Improvements-Secondary	\$427,672	\$430,164	(\$2,492)				
245	6181	480	W352	Tank 8 Improvements-Secondary	\$395,010	\$398,856	(\$3,846)				
246	6181	480	W353	Lassen Waterline Instal-Second	\$151,337	\$151,336	\$1				
247	6181	480	W494	Developer Reimbursement Agree	\$235,197	\$0	\$235,197				
248	<b>6181 Total</b>				<b>\$1,727,198</b>	<b>\$1,492,001</b>	<b>\$235,197</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
249	6210	430	A049	Celeste/Rose/Scenic Sewer Impr	\$4,780,000	\$4,535,953	\$244,047	\$439,000	\$439,000		
250	6210	430	A208	Wastewater Master Plan Update	\$2,246,813	\$2,151,569	\$95,244			\$25,000	\$25,000
251	6210	430	A209	Engineering System Analysis	\$230,158	\$75,658	\$154,500				
252	6210	430	A215	Daf Dissolved Air Flotation	\$10,516,707	\$7,340,818	\$3,175,889	\$10,400,000	\$0		
253	6210	430	B490	Rose/Celeste Sewer Lift St	\$2,320,563	\$2,161,988	\$158,575				
254	6210	430	B491	Scenic Sewer Lift Station	\$139,317	\$56,499	\$82,818				
255	6210	430	B609	La Loma Sewer Lift Station	\$2,476,796	\$2,194,133	\$282,663				
256	6210	430	B627	2005 Annual Sewer Rehab	\$1,054,320	\$734,410	\$319,911				
257	6210	430	B721	Ww Rate Analysis Eng Report	\$177,048	\$127,048	\$50,000				
258	6210	430	N143	Shackleford Crossing	\$70,341	\$58,305	\$12,036				
259	6210	480	B337	Grit Classifier	\$37,511	\$37,222	\$289				
260	6210	480	B437	Jefferson Lift Station(Secb575	\$171,027	\$0	\$171,027				
261	6210	480	B446	Coffee Lift Station (Sec)B575	\$200,002	\$0	\$200,002				
262	6210	480	B447	Repairs To Toulumne River Sec)	\$381,800	\$81,857	\$299,943				
263	6210	480	B462	Replacement Of Staircases	\$69,000	\$32,884	\$36,116				
264	6210	480	B534	Collection System Rehab-Second	\$345,000	\$30,451	\$314,549				
265	6210	480	B574	Collection System Rehab (5224)	\$667,569	\$0	\$667,569				
266	6210	480	B575	Annual Lift Station Rehab 5225	\$110,854	\$0	\$110,854				
267	6210	480	B576	Annual R&R Primary Site 5226	\$181,909	\$0	\$181,909				
268	6210	480	B577	Annual R&R Secondary Site 5227	\$582,044	\$0	\$582,044				
269	6210	480	B584	Wqc Lab Remodel- Secondary	\$933,478	\$458,597	\$474,881				
270	6210	480	B587	Fir Pumps - Secondary	\$23,019	\$18,019	\$5,000				
271	6210	480	B588	R&R Tail Water M Sl. Secondary	\$80,000	\$6,794	\$73,206				
272	6210	480	B589	R&R Stor Pond1 Lspmp1 Secondry	\$135,908	\$133,980	\$1,928				
273	6210	480	B618	Utillty Cuts Repavement	\$342,000	\$77,798	\$264,202				

**CAPITAL IMPROVEMENT PROJECTS (Interim)  
FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized		
274	6210	480	B680	Clarifier Actuator Second B576	\$19,055	\$16,473	\$2,582				
275	6210	480	B774	Grot Chamber Gearbox - Second	\$16,000	\$14,555	\$1,445				
276	6210	480	B805	WW Treatment - Phase1A Tertiary	\$1,000,000	\$513,721	\$486,279	\$1,000,000	\$0		
277	6210	480	B806	WW Treatment - Phase1B Tertiary	\$4,200,000	\$624,835	\$3,575,165	\$4,200,000	\$0		
278	6210	480	B808	Emerald Trunk Rehabilitation	\$1,056,000	\$7,495	\$1,048,505				
279	6210	480	B812	Parallel Outfall Rehabilitation	\$1,240,000	\$7,804	\$1,232,196				
280	6210	480	B815	9Th Street Rehabilitation	\$500,000	\$1,901	\$498,099				
281	6210	480	B820	Outfall Line Repairs	\$300,000	\$0	\$300,000				
282	6210	480	B822	Loop Line Pipe Well	\$87,000	\$0	\$87,000				
283	6210	480	B824	Geotechnical Study @ Chlorine	\$83,000	\$0	\$83,000				
284	6210	480	B827	Jennings Ranch Roads And Levee	\$56,000	\$0	\$56,000				
285	6210	480	B828	Replace And Line River Outfall	\$300,000	\$0	\$300,000				
286	6210	480	B960	Re-Roof Of Digester And Old L	\$33,889	\$35,379	(\$1,490)				
287	6210	480	B988	Segregation Pump Replacement	\$150,000	\$150,000	\$0				
288	6210	480	Q235	Village One-Extend Subtrunks	\$360,000	\$159,566	\$200,434				
289	6210	WasteWater		Security Upgrades Sutter Treatment Plant						\$450,000	
290	6210	WasteWater		Security Upgrades Jennings Treatment Plant						\$150,000	
291	<b>6210 Total</b>				<b>\$37,674,128</b>	<b>\$21,845,714</b>	<b>\$15,828,414</b>	<b>\$16,039,000</b>	<b>\$439,000</b>	<b>\$625,000</b>	<b>\$25,000</b>
292	6280	430	A213	Storm Drainage System Analysis	\$121,235	\$63,318	\$57,917				
293	6280	430	N686	9Th Street Storm Drainage	\$520,000	\$516,793	\$3,207	\$242,500	\$208,212		
294	6280	440	Q231	Storm Drain Master Plan	\$657,959	\$652,561	\$5,398			\$30,000	\$30,000
295	<b>6280 Total</b>				<b>\$1,299,194</b>	<b>\$1,232,673</b>	<b>\$66,521</b>	<b>\$242,500</b>	<b>\$208,212</b>	<b>\$30,000</b>	<b>\$30,000</b>
296	6290	355	P484	Compost Maintenance Facility	\$35,000	\$33,988	\$1,012				
297	6290	355	P564	Compost Fac Infr Presv	\$36,012	\$489	\$35,523				
298	<b>6290 Total</b>				<b>\$71,012</b>	<b>\$34,477</b>	<b>\$36,535</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
299	6320	160	M254	Airport Master Plan & Eir	\$879,381	\$300,531	\$578,850	\$600,000	\$300,000		
300	6320	440	A008	Airport Term. Prkng Lot Expnsn	\$744,000	\$47,127	\$696,873	\$17,456	\$21,688		
301	6320	440	A784	New Airport Storage Hangars	\$30,000	\$2,498	\$27,502	\$30,000	\$0		
302	6320	440	A785	Airport Irrigation Well	\$100,000	\$0	\$100,000				
303	6320	440	A786	Roof Repair For Airporttermina	\$60,000	\$1,000	\$59,000				
304	6320	440	A787	Refurbish Existing Sto Hangars	\$30,000	\$0	\$30,000				
305	6320	440	A803	Noise Study	\$316,214	\$21,616	\$294,598	\$316,214	\$0		
306	6320	440	A804	Signage/Taxilane	\$550,000	\$68,961	\$481,039	\$550,000	\$9,225		
307	6320	440	M275	Airport Expansion & Resurfacin	\$1,522,500	\$1,475,704	\$46,796	\$1,495,552	\$1,345,511		
308	<b>6320 Total</b>				<b>\$4,232,095</b>	<b>\$1,917,438</b>	<b>\$2,314,657</b>	<b>\$3,009,222</b>	<b>\$1,676,424</b>	<b>\$0</b>	<b>\$0</b>

**CAPITAL IMPROVEMENT PROJECTS (Interim)**  
**FY 2007-08**

No.	Fund	Agy	Orgn		Appropriations			Revenue		Inc / Dec Proj EXP	Inc / Dec Proj REV
					Current Exp Budget	Exp + Enc	Avail	Current Rev Budget	Recognized		
309	651	160	B911	New Bus Maintenance Facility	\$324,992	\$324,991	\$1				
310	<b>651 Total</b>				<b>\$324,992</b>	<b>\$324,991</b>	<b>\$1</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
311	6510	160	B911	New Bus Maintenance Facility	\$1,819,029	\$1,819,029	\$0				
312	6510	165	A044	Autom Vehicle Location System	\$1,022,887	\$22,625	\$1,000,262	\$901,129	\$623		
313	6510	165	A047	Purchase 1 Commuter Bus	\$450,000	\$450,000	\$0	\$383,394	\$0		
314	6510	165	B911	New Bus Maintenance Facility	\$9,036,166	\$741,937	\$8,294,229	\$10,617,441	\$2,767,348		
315	6510	165	J401	Fy04-05 Bus Purchases(3)	\$2,100,000	\$28,670	\$2,071,330	\$1,940,000	\$0		
316	6510	165	J783	Amtrak Ada Platform Tile	\$300,000	\$187	\$299,813				
317	6510	165	J792	Replace Auto Vehicle Washer	\$250,000	\$0	\$250,000				
318	6510	165	N591	Hybrid Electric Bus	\$660,000	\$602,649	\$57,351	\$660,000	\$240		
319	<b>6510 Total</b>				<b>\$15,638,082</b>	<b>\$3,665,096</b>	<b>\$11,972,986</b>	<b>\$14,501,964</b>	<b>\$2,768,211</b>	<b>\$0</b>	<b>\$0</b>
320	6600	330	P391	Golf Capital Improvements	\$187,372	\$55,818	\$131,554				
321	<b>6600 Total</b>				<b>\$187,372</b>	<b>\$55,818</b>	<b>\$131,554</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
322	7130	070	M480	Financial Software Upgrade	\$300,000	\$35,176	\$264,824				
323	7130	070	M481	INET - Fiber Network	\$500,000	\$328,050	\$171,950				
324	7130	070	M482	Wireless Network	\$0	\$0	\$0	\$200,000	\$0		
325	7130	070	M483	Cad-Computer Aided Dispatch	\$819,680	\$0	\$819,680				
326	7130	070	M494	Microsoft Exch. Platform Migration	\$330,000	\$319,109	\$10,891				
327	7130	070	M552	Byrne Justice Asst Grant	\$79,092	\$0	\$79,092	\$79,092	\$0		
328	7130	070	M780	Technology Grant/CAD	\$394,891	\$0	\$394,891	\$394,891	\$0		
329	<b>7130 Total</b>				<b>\$2,423,663</b>	<b>\$682,335</b>	<b>\$1,741,328</b>	<b>\$673,983</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
330	8910	310	N441	TRRP, Gateway Project	\$1,626,750	\$1,130,059	\$496,691	\$1,252,000	\$530,369		
331	8910	310	P844	TRRP Gateway Phase I&II	\$3,673,543	\$417,969	\$3,255,574	\$3,673,543	\$0		
332	<b>8910 Total</b>				<b>\$5,300,293</b>	<b>\$1,548,028</b>	<b>\$3,752,265</b>	<b>\$4,925,543</b>	<b>\$530,369</b>	<b>\$0</b>	<b>\$0</b>
333	<b>Grand Total</b>				<b>\$316,369,458</b>	<b>\$138,977,998</b>	<b>\$177,391,460</b>	<b>\$185,291,627</b>	<b>\$67,674,758</b>	<b>\$6,117,730</b>	<b>\$4,070,721</b>
334											
335				Increase in Appropriations for New/Existing Projects	\$6,117,730		\$6,117,730	\$4,070,721			
	<b>Total CIP</b>			<b>296 Projects</b>	<b>\$322,487,188</b>	<b>\$138,977,998</b>	<b>\$183,509,190</b>	<b>\$189,362,348</b>			



MULTI-YEAR OPERATING PROGRAMS

Rev Multi-Year Operating Programs 06-MAR-07							Expense Multi-Year Operating Programs 06-MAR-07							Diff. = Current Budget (Rev less Exp)	Inc. / (Dec.) Revenue	Inc. / (Dec.) Expense
Fund	Agy	Org	Org Name	Current Budget	Recognized Amt	Avail	Fund	Agy	Org	Current	Encumb	Expend	Avail			
2900	020	0261	KIERNAN BUS PK EAST IFP/FMP	263,000	0	263,000	2900	020	0261	263,000	0	9,978	253,022	0		
2900	020	0262	KIERNAN BUS PK SOUTH IFP/FMP	250,000	0	250,000	2900	020	0262	250,000	0	3,954	246,046	0		
2900	020	0263	PELANDALE-MCHENRY IFP/FMP	194,948	0	194,948	2900	020	0263	194,948	0	3,155	191,793	0		
2900	020	0264	WOODGLEN IFP/FMP	568,230	0	568,230	2900	020	0264	568,230	0	4,384	563,846	0		
2900	020	0265	TIVOLI IFP/FMP	800,000	0	300,000	2900	020	0265	800,000	0	2,209	297,791	0		
														0		
0350	700	0402	OUTSIDE LITIGATION	1,101,509	0	1,101,509	0350	040	0402	1,101,509	0	755,834	345,675	0		
0800	700	1440	TRANSFER IN FROM FUND 0100	625,000	0	625,000	0800	140	1440	1,037,208	892,608	59,716	84,883	(412,208)		
0800	140	1440	GENERAL PLAN UPDATE				0800	140	1441	1,037,208	797,518	172,356	67,335	(1,037,208)		8,990
0800	140	1441	KAISER FACILITY PROJECT				0800	140	1441	68,754	0	68,753	1	(68,754)		
0800	140	1443	THE PROMENADE PROJECT	81,114	81,114	0	0800	140	1443	217,297	29,283	185,474	2,540	(136,183)		
0800	140	1444	ROSELLE/CLARIBEL SPECIFIC PLAN	926,284	881,284	45,000	0800	140	1444	1,083,017	43,310	792,161	49	(156,733)		
0800	140	1445	FAIRVIEW VILLAGE SPECIFIC PLAN	200,000	200,000	0	0800	140	1445	231,460	36,090	95,389	9,981	(31,460)		
0800	140	1446	WATERMAN-LUCHESSA SP				0800	140	1446	192,241	0	192,240	1	(192,241)		
0800	140	1447	PELANDALE-MCHENRY SPECIFIC PLN	463,260	394,800	68,460	0800	140	1447	539,988	79,144	438,263	22,582	(76,728)		
0800	140	1448	CLARATINA AVENUE SP				0800	140	1448	9,701	0	9,701	0	(9,701)		
0800	140	1449	JOHANSÉN/NORTH EMPIRE SP				0800	140	1449	8,475	0	7,803	672	(8,475)		
0800	140	1450	MANA-WAGNER SPECIFIC PLAN	39,526	39,526	0	0800	140	1450	48,808	23,366	15,141	10,301	(9,282)		
0800	140	1451	KIERNAN BUS PARK EAST SPEC PLN	70,000	70,000	0	0800	140	1451	79,099	9,740	50,250	19,109	(9,099)		
0800	140	1452	WOODGLEN SP (FITZPATRICK HMS)	290,000	290,000	0	0800	140	1452	290,000	231,170	46,382	12,448	0		
0800	140	1453	GOULD MEDICAL EXPANSION	132,936	132,937	(1)	0800	140	1453	132,936	12,605	117,279	3,052	0		
0800	140	1454	KIERNAN BUS PARK EAST ED LOAN	500,000	0	500,000	0800	140	1454	500,000	439,064	44,138	16,798	0		
0800	140	1455	VINTAGE FAIRE MALL EXPANSION	102,032	102,032	0	0800	140	1455	102,032	27,486	64,536	10,010	0		
							0700	160	1621	1,210	0	1,210	0	(1,210)		
							0700	160	1627	55,447	0	0	55,447	(55,447)		
							0700	160	1630	378,313	0	21,727	356,586	(378,313)		
6510	165	1677	BUS STOP IMPROVEMENTS	200,000	230,541	(30,541)	6510	165	1677	846,142	30,698	234,530	580,914	(646,142)	796,142	150,000
6510	165	1678	FEDERAL EQUIPMENT	30,000	34,328	(4,328)	6510	165	1678	599,594	0	34,328	565,266	(569,594)	569,594	
6530	165	1681	1029 9TH ST. FIRE	0	360	(360)	6530	165	1681	247,370	3,838	1,425	242,107	(247,370)	247,370	
0100	701	1815	LOAN FROM GENERAL FUND	403,000	403,000	0								403,000		
0100	190	1907	BEAT HEALTH PD/CDD	0	12,860	(12,860)								0		
0420	700	2007	TRANSFER FROM GENERAL FUND	100,000	0	100,000	0420	190	2007	100,000	0	3,194	96,806	0		

**MULTI-YEAR OPERATING PROGRAMS**

Rev Multi-Year Operating Programs 06-MAR-07							Expense Multi-Year Operating Programs 06-MAR-07									
Fund	Agy	Org	Org Name	Current Budget	Recognized Amt	Avail	Fund	Agy	Org	Current	Encumb	Expend	Avail	Diff. = Current Budget (Rev less Exp)	Inc. / (Dec.) Revenue	Inc. / (Dec.) Expense
0420	190	2008	POLICE JR CADET PROGRAM	25,000	0	25,000	0420	190	2008	25,000	0	7,481	17,519	0		
0420	190	2066	CHP PEDESTRIAN AGREEMENT	20,000	0	20,000	0420	190	2066	20,000	0	10,081	9,919	0		
0420	190	2092	PARTY PATROL-BHRS STAN COUNTY	41,500	0	41,500	0420	190	2092	41,500	0	13,577	27,923	0		
0410	190	2901	AVOID THE 12	516,054	183,058	332,996	0410	190	2901	516,054	0	212,598	303,456	0		
0400	190	2902	06 BJAG GRANT	116,260	0	116,260	0400	190	2902	116,260	0	0	116,260	0		
0410	190	2903	SAFE NEIGHBORHOOD GRANTS PROG	306,628	119,877	186,751	0410	190	2903	288,535	0	119,115	169,420	18,093		
0410	190	2904	COPS 2005 TECHNOLOGY GRANT	295,993	0	295,993	0410	190	2904	295,993	0	0	295,993	0		
0410	190	2905	GREAT GANG RESIST. ED & TRAIN	250,000	53,663	196,337	0410	190	2905	316,305	6,825	115,748	193,732	(66,305)		
0410	700	2905	TRANSFER FROM GENERAL FUND	132,610	0	132,610								132,610		
0400	190	2922	SLESF 2005/06 ALLOCATION	0	189,258	(189,258)	0400	190	2922	173,978	27,197	13,889	132,892	(173,978)		
0410	190	2965	SAFE NEIGHBORHOOD GRANTS PROG	306,628	0	306,628	0410	190	2965	288,535	0	0	288,535	18,093		
0410	190	2968	VEHICLE IMPOUND/DUI/STEP GRANT	1,000,000	13,831	986,169	0410	190	2968	1,000,000	79,200	52,124	868,676	0		
0410	190	2969	BUCKLE UP STANISLAUS GRANT	297,900	0	297,900	0410	190	2969	297,900	0	8,585	289,315	0		
0400	190	2978	CLETEP PROGRAM	0	6,034	(6,034)								0		
0410	190	2986	JUVENILE IMPACT PROGRAM	0	5,591	(5,591)								0		
0400	190	2987	2002 COPS MORE GRANT	153,388	(53,226)	206,614	0400	190	2987	153,388	0	0	153,388	0		
0400	190	2988	02-03 STATE HIGH TECHNOLOGY GT	0	704	(704)	0400	190	2988	0	0	74	<74>	0		
0400	190	2991	2003 SLESF GRANT	0	0	0	0400	190	2991	80,557	31,422	0	49,135	(80,557)		
0400	190	2994	2004 LLEBG GRANT	801	15,993	(15,192)	0400	190	2994	15,994	0	15,993	1	(15,193)		
0400	190	2995	SLESF-HTE REFUND	0	923	(923)	0400	190	2995	199	0	0	199	(199)		
1430	310	3122	NON-MOTORIZED TRAIL SYS IMP.				1430	310	3122	167,043	0	19,451	147,592	(167,043)		
1400	310	3142	FUND DEVELOPMENT/SPEC PROJ				1400	310	3142	70,000	0	0	70,000	(70,000)		
1130	320	3211	ADA SIGNAL DEVICES				1130	320	3211	23,633	0	0	23,633	(23,633)		
1130	320	3212	03-04 ADA CURB RAMPS	0	(121,278)	121,278	1130	320	3212	43,675	0	7,712	35,963	(43,675)		
1130	320	3213	04-05 ADA CURB RAMPS				1130	320	3213	146,912	0	0	146,912	(146,912)		
1130	320	3214	05-06 ADA CURB RAMPS	232,875	10,991	221,884	1130	320	3214	232,875	0	21,896	210,979	0		
1130	320	3220	ROBERTSON RD SHADE STRUCTURE	15,000	1,020	13,980	1130	320	3220	78,684	0	1,300	77,384	(63,684)		
1130	320	3222	04-05 STREET PAVING LOW INC AR	0	(120,866)	120,866	1130	320	3222	61,080	0	0	61,080	(61,080)		
1130	320	3230	KKMC MAINTENANCE	0	0	0	1130	320	3230	5,791	0	0	5,791	(5,791)		
1130	320	3231	KKMC COLLABORATIVE	175,000	0	175,000	1130	320	3231	175,000	0	0	175,000	0		
1130	320	3232	SALVATION ARMY SHELTER SHOWERS	40,000	0	40,000	1130	320	3232	40,000	0	0	40,000	0		
1130	320	3235	KING KENNEDY ROOFING UPGRADE	93,535	0	93,535	1130	320	3235	93,535	0	9,521	84,014	0		
1130	320	3236	PIKE PARK PLAY EQUIPMENT	50,000	0	50,000	1130	320	3236	50,000	0	0	50,000	0		

**MULTI-YEAR OPERATING PROGRAMS**

Rev Multi-Year Operating Programs 06-MAR-07							Expense Multi-Year Operating Programs 06-MAR-07									
Fund	Agy	Org	Org Name	Current Budget	Recognized Amt	Avail	Fund	Agy	Org	Current	Encumb	Expend	Avail	Diff. = Current Budget (Rev less Exp)	Inc. / (Dec.) Revenue	Inc. / (Dec.) Expense
1151	320	3271	CDBG PROPERTY ACQUISITION				1151	320	3271	1,466,919	0	750,000	716,919	(1,466,919)		
0430	320	3280	CALHOME LOAN PROGRAM	300,000	154,102	145,898	0430	320	3280	300,000	0	99,735	200,265	0		
0410	355	4431	USED OIL BLOCK GRANT #11	53,740	0	53,740	0410	355	4431	53,740	0	16,029	37,711	0		
0410	355	4432	WASTE TIRE	79,985	0	79,985	0410	355	4432	79,985	0	5,774	74,211	0		
0410	355	4433	USED OIL BLOCK GRANT #12	52,336	0	52,336	0410	355	4433	52,336	0	0	52,336	0		
0400	355	4434	DOC 06/07	55,714	55,714	0	0400	355	4434	55,714	5,500	16,372	33,842	0		
0410	355	4435	WASTE TIRE CLEAN UP #7	22,783	0	22,783	0410	355	4435	22,783	0	4,529	18,254	0		
0410	355	4436	TIRE DERIVED PRODUCT GRANT	51,300	0	51,300	0410	355	4436	51,300	0	0	51,300	0		
0410	380	3827	04-05 TIRE AMNESTY TR43-04-3	20,000	0	20,000	0410	380	3827	20,000	0	9,941	10,059	0		
							0700	410	4120	58,205	8,826	20,538	28,841	(58,205)		
							0700	420	4218	73,732	0	0	73,732	(73,732)		
0330	430	4305	KAISER IMPROVEMENTS	0	55,533	(55,533)	0330	430	4305	133,493	0	82,573	50,920	(133,493)	133,493	Yes
0400	440	4419	BLOCK GRANT #9	6,122	8,568	(2,446)	0400	440	4419	8,209	230	7,309	670	(2,087)		
0410	440	4422	CHRYSLER PARK PLAYGROUND COVER	24,995	21,986	3,009	0410	440	4422	24,995	0	21,986	3,009	0		
0400	440	4423	DOC 04/05	0	2,598	(2,598)	0400	440	4423	2,598	0	49	2,549	(2,598)		
0410	440	4424	TIRE AMNESTY TR34-03-9	19,990	4,246	15,744	0410	440	4424	9,214	0	4,246	4,968	10,776		
0400	440	4425	USED OIL BLK GRANT #10	55,796	50,357	5,439	0400	440	4425	55,796	0	54,942	854	0		
0410	440	4426	REUSE ASSISTANCE GRANT	50,000	45,898	4,102	0410	440	4426	50,000	0	49,782	218	0		
0400	440	4427	DOC 05/06	57,583	57,583	0	0400	440	4427	57,583	0	52,997	4,586	0		
0410	440	4428	TIRE ENFORCEMENT GR 11TH CYCLE	87,179	61,178	26,001	0410	440	4428	87,179	0	57,645	29,534	0		
0410	440	4429	TIRE CLEANUP #6	32,492	28,372	4,120	0410	440	4429	32,492	0	29,173	3,319	0		
0400	440	4430	SOLID WASTE DISPOSAL ACT GRANT	49,850	27,357	22,493	0400	440	4430	49,850	0	27,311	22,539	0		
6310	440	5415	DOT GRANT AIR SERVICE DEVELOP	705,000	50,231	654,769	6310	440	5415	705,000	0	127,984	577,016	0		
							0700	480	4615	17,384	0	0	17,384	(17,384)		
0700	480	4617	REPAVING MAINTENANCE (GARBAGE)	788,961	624,807	164,154	0700	480	4617	872,204	0	110,652	761,552	(83,243)	83,243	Yes.
0330	480	4714	DEVELOPER TREES	131,415	175,668	(44,253)	0330	480	4714	131,415	0	110,871	20,544	0		Yes.
							0410	480	4805	5,179	0	0	5,179	(5,179)		



ORDINANCE NO. 3445-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MODESTO AUTHORIZING THE LEVY OF SPECIAL TAXES  
WITHIN CITY OF MODESTO COMMUNITY FACILITIES  
DISTRICT NO. 2007-1 (NORTH BEYER PARK #2)

The Council of the City of Modesto does ordain as follows:

WHEREAS, the City Council of the City of Modesto, (the "Council"), did, on May 8, 2007, adopt its Resolution No. 2007-270 (the "Resolution of Intention to Establish the District") stating its intention to form City of Modesto Community Facilities District No. 2007-1 of the City of Modesto (the "District") pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, notice was published as required by law relative to the intention of this Council to form the District; and

WHEREAS, this Council held the noticed public hearings as required by law to determine whether it should proceed with the formation of the District and authorize, subject to a vote of the qualified electors, the levy of the special taxes within the District to pay for the Facilities, to pay any authorized costs and expenses related thereto, and to pay for certain services (the "Services"), all as described in the Resolution of Intention to Establish the District and

WHEREAS, at the hearings all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special taxes and all other matters set forth in the Resolution of Intention to Establish the District were heard and considered and full and fair hearings were held thereon; and

WHEREAS, following the hearings, this Council did, on June 12, 2007, adopt its Resolution No. 2007-356 (the "Resolution of Formation") which established the District, determined the validity of prior proceedings relative to the formation of the District, authorized the levy of the special taxes within the District subject to the vote of the qualified electors and called an election within the District for June 12, 2007, on the propositions of levying the special taxes and establishing an appropriations limit for the District, and

WHEREAS, on June 12, 2007, in accordance with the Resolution of Formation, a consolidated election was held within the District at which the qualified electors approved by more than a two-thirds vote the propositions of levying the special taxes and establishing the appropriations limit,

NOW, THEREFORE, the City Council of the City of Modesto DOES ORDAIN as follows:

SECTION 1. The above recitals are true and correct and this Council so finds and determines.

SECTION 2. By the passage of this Ordinance, this Council authorizes and levies the special taxes within the District pursuant to Sections 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in Exhibit A hereto (the "Rate and Method of Apportionment"). Each of the components of the special taxes (being the One-Time Facilities Special Tax and the Annual Maintenance Special Tax, all as defined in Exhibit A) is levied commencing in Fiscal Year 2007-2008, and in each Fiscal Year thereafter until the date at which such component of the special taxes may no longer be validly levied.

SECTION 3. The District Administrator is authorized and directed each Fiscal Year to determine the special taxes to be levied for the next ensuing Fiscal Year for each parcel

of real property within the District, in the manner and as provided in the Rate and Method of Apportionment. The District Administrator shall deliver a certified copy of the Ordinance to the Auditor - Controller of the County of Stanislaus, and for each year, commencing Fiscal Year 2007-2008 for which the special taxes will be validly levied, appropriate documentation related to the placement of such special taxes on the Stanislaus County tax roll.

SECTION 4. Properties or entities of the State, federal or local governments are exempt from the levy of the special taxes to the extent set forth in the Rate and Method of Apportionment. In no event shall the special taxes be levied on any parcel within the District in excess of the maximum taxes specified in the Rate and Method of Apportionment.

SECTION 5. All of the collections of the special taxes shall be used as provided for in the Act and the Resolution of Formation.

SECTION 6. The Annual Maintenance Special Tax shall be collected on the secured real property tax roll in the same manner as ordinary *ad valorem* taxes are collected. These special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent tax payments of those special taxes. The District Administrator is authorized and directed to provide all necessary information to the Treasurer-Tax Collector of Stanislaus County and to otherwise take all actions necessary in order to effect proper billing and collection of these special taxes, so that these special taxes are levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District in each Fiscal Year.

Notwithstanding the foregoing, the District Administrator may collect one or more installments of such special taxes by means of direct billing of the property owners within

the District if, in the judgment of such officer, such means of collection will reduce the burden of administering the District or is otherwise appropriate in the circumstances. In such event, those special taxes will become delinquent if not paid when due as set forth in any such billing to the property owners.

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within the District, and shall be immediately delinquent if not paid.

SECTION 7. If for any reason any portion of this Ordinance is found to be invalid or any component of the special taxes is found to be inapplicable to any particular parcel within the District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the other components of the special taxes to that parcel, and the application of the special taxes to the remaining parcels within the District, shall not be affected.

SECTION 8. This Ordinance shall be effective after thirty (30) days from its final passage and adoption.

SECTION 9. At least two (2) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2007, by Councilmember Keating, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

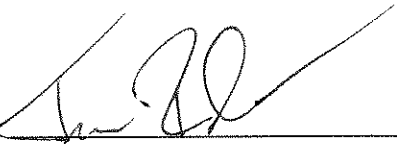
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: July 26, 2007

## EXHIBIT A

### CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK#2)

## APPENDIX B

### CITY OF MODESTO COMMUNITY FACILITIES DISTRICT No. 2007-1 (NORTH BEYER #2)

#### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in Community Facilities District No. 2007-1 (North Beyer #2) [herein "CFD No. 2007-1" or "the CFD"] shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2007-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2007-1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2007-1, including, but not limited to, levying and collecting the Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

**"Administrator"** means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

**"Annual Maintenance Special Tax"** means a special tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

**“Annual Maintenance Special Tax Requirement”** means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay Administrative Expenses, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

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

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

**“Authorized Services”** means those services that are authorized to be funded by CFD No. 2007-1.

**“CFD Formation”** means the date on which the Resolution of Formation to form CFD No. 2007-1 was adopted by the City Council.

**“City”** means the City of Modesto.

**“City Council”** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2007-1.

**“County”** means the County of Stanislaus.

**“Developed Property”** means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2007,
- for Multi-Family Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2007, and
- for Other Property, all Parcels for which a building permit for construction of a building structure was issued prior to June 30 of the preceding Fiscal Year.

**“Final Map”** means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term “Final Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor’s Parcels that are designated as remainder parcels.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Maximum Annual Maintenance Special Tax”** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D.

**“Maximum One-Time Facilities Special Tax”** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

**“Maximum Special Taxes”** means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.

**“Multi-Family Property”** means all Parcels in CFD No. 2007-1 for which building permits have been issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

**“Net Taxable Acreage”** or **“Net Taxable Acre”** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned or CFD-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

**“One-Time Facilities Special Tax”** means a Special Tax, levied and collected in full by the City prior to a structural building permit being issued for new construction on Taxable Property.

**“Original Parcel”** means an Assessor’s Parcel (or a parcel within a recorded Subdivision Map that has not yet been assigned an Assessor’s Parcel number) that is in CFD No. 2007-1 at the time of CFD Formation or added to the CFD upon annexation. A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

**“Other Property”** means, in any Fiscal Year, all Parcels of Taxable Property within the CFD for which building permits have been issued for construction of a non-residential structure.

**“Proportionately”** means, for Developed Property, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property, respectively. In addition, for Undeveloped Property, “Proportionately” means that the ratio of the actual Annual Maintenance Facilities Special Tax to the Maximum Annual Maintenance Special Tax is equal for all Assessor’s Parcels of Undeveloped Property, respectively.

**“Public Property”** means any property within the boundaries of CFD No. 2007-1 that is owned by the federal government, State of California, County, City, or other public agency.

**“Single Family Detached Lot”** means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached unit.

**“Single Family Detached Property”** means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued or will be issued for construction of a residential unit that does not share a common wall with another Unit.

**“Special Taxes”** means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

**“Subdivision Map”** means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

**“Successor Parcel”** means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

**“Taxable Property”** means all of the Assessor’s Parcels within the boundaries of CFD No. 2007-1 which are not exempt from the Special Tax pursuant to law or Section G below.

**“Taxable Public Property”** means, in any Fiscal Year, all Parcels of Public Property within CFD No. 2007-1 that, at the time of CFD Formation, were expected to be Taxable Property, and, based on this expectation, Maximum Special Taxes were assigned to the Parcels in a prior Fiscal Year.

**“Undeveloped Property”** means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2007-1 that are not Developed Property.

## **B. DATA FOR ANNUAL ADMINISTRATION**

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Taxable Property in CFD No. 2007-1. The Administrator shall also determine (i) whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) the Net Taxable Acreage of each Parcel, and (iii) the Annual Maintenance Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Subdivision Map for a portion of property in CFD No. 2007-1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcels created by the Subdivision Map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for

the property affected by recordation of the Subdivision Map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Original Parcel or Successor Parcel that was subdivided by recordation of the Subdivision Map.

**C. MAXIMUM SPECIAL TAXES**

**1. Original Parcels**

Table 1 below identifies the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax assigned to each Original Parcel in the CFD at the time of CFD Formation. Separate Maximum Special Taxes shall be assigned to Parcels added to the CFD as a result of future annexations.

**TABLE 1  
Maximum Special Taxes  
Fiscal Year 2007-08**

<i>Fiscal Year 2007-08 Assessor's Parcel Number or Subdivision Map Parcel Number</i>	<i>Fiscal Year 2007-08 Maximum One-Time Facilities Special Tax*</i>	<i>Fiscal Year 2007-08 Maximum Annual Maintenance Special Tax*</i>
082-005-031	\$211,827	\$35,070
Parcel 2 of Parcel Map 55-PM-12	\$114,030	\$18,879

*\* Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.*

**2. Successor Parcels**

Upon recordation of a Subdivision Map that subdivides an Original Parcel, the Administrator shall apply the appropriate subsection below to determine the Maximum Special Taxes for each Successor Parcel:

***a. All Successor Parcels are Single Family Detached Lots***

If all Parcels created by a recorded Subdivision Map are Single Family Detached Lots, the Administrator shall divide the Maximum Special Taxes assigned to the Original Parcel that was subdivided by the number of Single Family Detached Lots created within the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

***b. No Successor Parcels are Single Family Detached Lots***

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

- Step 1:** Determine the total combined Net Taxable Acreage within all Successor Parcels created from subdivision or reconfiguration of the Original Parcel.
- Step 2:** Divide the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax assigned to the Original Parcel by the Net Taxable Acreage determined in Step 1 to determine a Maximum One-Time Facilities Special Tax and a Maximum Annual Maintenance Special Tax per Net Taxable Acre.
- Step 3:** Multiply the Maximum Special Taxes per Net Taxable Acre determined in Step 2 by the Net Taxable Acreage of each Successor Parcel of Taxable Property to determine the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax for each Parcel.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

***c. Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following steps to determine the Maximum Special Taxes for each Successor Parcel:

- Step 1:** Separately identify: (i) the total Net Taxable Acreage created within the Subdivision Map, and (ii) the combined Net Taxable Acreage of all Single Family Detached Lots created within the Subdivision Map.
- Step 2:** Divide the Maximum One-Time Facilities Special Tax assigned to the Original Parcel by the total Net Taxable Acreage created within the Subdivision Map to determine the Maximum One-Time Facilities Special Tax per Net Taxable Acre.
- Step 3:** Divide the Maximum Annual Maintenance Special Tax assigned to the Original Parcel by the total Net Taxable Acreage created within the Subdivision Map to determine the Maximum Annual Maintenance Special Tax per Net Taxable Acre.
- Step 4:** Multiply the Maximum One-Time Facilities Special Tax per Net Taxable Acre that was calculated in Step 2 by the total combined Net Taxable Acreage of all Single Family Detached Lots (as determined in Step 1), and divide the product by the number of Single Family Detached Lots created in the Subdivision Map to calculate the

Maximum One-Time Facilities Special Tax for each Single Family Detached Lot.

**Step 5:** Multiply the Maximum Annual Maintenance Special Tax per Net Taxable Acre that was calculated in Step 3 by the total combined Net Taxable Acreage of all Single Family Detached Lots (as determined in Step 1), and divide the product by the number of Single Family Detached Lots created in the Subdivision Map to calculate the Maximum Annual Maintenance Special Tax for each Single Family Detached Lot.

**Step 6:** Multiply the Maximum One-Time Facilities Special Tax per Net Taxable Acre that was calculated in Step 2 by the Net Taxable Acreage of each Parcel of Taxable Property created within the Subdivision Map that is not a Single Family Detached Lot to determine the Maximum One-Time Facilities Special Tax for each Parcel.

**Step 7:** Multiply the Maximum Annual Maintenance Special Tax per Net Taxable Acre that was calculated in Step 3 by the Net Taxable Acreage of each Parcel of Taxable Property created within the Subdivision Map that is not a Single Family Detached Lot to determine the Maximum Annual Maintenance Special Tax for each Parcel.

*If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.*

**After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.**

#### **D. ESCALATION OF MAXIMUM SPECIAL TAXES**

##### **1. One-Time Facilities Special Tax**

Beginning in January 2008 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1.

##### **2. Annual Maintenance Special Tax**

Beginning in January 2008 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

## **E. METHOD OF LEVY OF THE SPECIAL TAX**

### **1. One-Time Facilities Special Tax**

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in CFD No. 2007-1 and shall be collected as set forth in Section F below.

### **2. Annual Maintenance Special Tax**

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for the Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

- Step 1:** The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.
- Step 2:** If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.
- Step 3:** If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

## **F. COLLECTION OF SPECIAL TAX**

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within CFD No. 2007-1, and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax for CFD No. 2007-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay Authorized Services and all Administrative Expenses have been reimbursed.

#### **G. EXEMPTIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Taxes, no Special Taxes shall be levied on Public Property except Taxable Public Property, as defined herein.

#### **H. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Taxes.

#### **I. ENFORCEMENT**

All delinquent One-Time Facilities Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.



ORDINANCE NO. 3446-C.S.

AN ORDINANCE GRANTING TO MODESTO AND EMPIRE TRACTION COMPANY, A CALIFORNIA CORPORATION, A FRANCHISE TO OPERATE, MAINTAIN, REPAIR AND RENEW A COMMERCIAL RAILROAD FOR THE TRANSPORTATION OF PROPERTY AS A COMMON CARRIER, IN, UPON, OVER, UNDER, ALONG AND ACROSS VARIOUS PUBLIC STREETS IN THE CITY OF MODESTO

The Council of the City of Modesto does ordain as follows:

SECTION 1. DEFINITIONS. As used in this franchise, the singular number includes the plural, and the plural number includes the singular. Unless it shall be apparent from the context that they have a different meaning, the following words and phrases shall have the meaning herein specified:

(a) City. The word "City" shall mean the City of Modesto, a municipal corporation of the State of California, in its present incorporated form or any reorganized, consolidated or reincorporated form.

(b) City Attorney. The words "City Attorney" shall mean the duly appointed, qualified and acting City Attorney of the City of Modesto or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(c) City Clerk. The words "City Clerk" shall mean the duly appointed, qualified and acting City Clerk of the City of Modesto, or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(d) City Manager. The words “City Manager” shall mean the duly appointed, qualified and acting City Manager of the City of Modesto, or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

(e) Council or City Council. The word “Council” or words “City Council” shall mean the present governing body of the City or any future board constituting the legislative body of the City.

(f) Franchise Property. The words “franchise property” shall mean all property constructed, installed, operated, or maintained in a public street pursuant to any right or privilege granted by this franchise, provided that any such property shall retain its character as “franchise property” only so long as it shall remain in or upon a street pursuant to any right or privilege granted by this franchise.

(g) Grantee. The word “grantee” shall mean Modesto and Empire Traction Company, a California corporation, and any person, firm, or corporation to which this franchise may hereafter be lawfully transferred as herein provided.

(h) Grantor. The word “grantor” shall mean the City of Modesto, a municipal corporation of the State of California.

(i) Public Utilities Commission. The words “Public Utilities Commission” shall mean the Public Utilities Commission of the State of California or any state officer or board succeeding to its function.

(j) Street. The word “street” shall mean any public street, road, highway, lane, alley, court, sidewalk, parkway, bridge, or similar public place, or above or below same, which now exists or which may hereafter exist within the City.

(k) Streets Superintendent. The words “Streets Superintendent” shall mean the duly appointed, qualified and acting Streets Superintendent of the City of Modesto or such person as may hereafter, by law, be authorized to perform the duties now being performed by that official.

SECTION 2. NATURE OF GRANT. The City of Modesto hereby grants to Modesto and Empire Traction Company, a California corporation, a commercial railroad franchise to operate, maintain, repair and renew a common carrier rail transportation line as hereinafter described and in accordance with the terms and conditions contained in this ordinance, that is, a franchise:

(a) Rail Service. To engage, during the term of this franchise, as a common carrier, in the business of transporting property for hire, by rail in, upon, over, under, along and across the various public streets now or hereafter traversed by the route and tracks designated in Section 3 hereof and to construct, install, use, operate, maintain, repair and renew, in such public streets, any such physical property as may be reasonably necessary to the conduct of such business, including rails and track structure.

(b) Non-Exclusive Feature of Franchise. The granting of this franchise or any of the terms or conditions contained herein shall not be construed to prevent the City from

granting over the route herein specified or elsewhere any identical, similar or other type of franchise to any person, firm or corporation other than grantee.

(c) Acceptance by Grantee. This franchise is not in lieu of any other franchises, rights or privileges now owned by grantee for the furnishing of any utility or service within the limits of the City of Modesto as they now or may hereafter exist, and the acceptance by grantee of this franchise shall not constitute or be deemed to constitute a waiver or abandonment or surrender by grantee of such franchises, rights or privileges as it may own or possess in connection with its operation in, upon, over, under, along or across any public streets in the City of Modesto other than in the area traversed by the route and tracks designated in Section 3 hereof.

SECTION 3. DESIGNATION OF RAIL ROUTE AND STREET AREAS. The center line of the route and tracks referred to in Section 2 hereof is described as follows:

BEGINNING at a point on the center line of B Street, which lies approximately 190 feet southwesterly of the center line of Ninth Street; thence northeasterly along the center line of B Street, 1,340 feet, more or less, to the northeasterly property line of 12<sup>th</sup> Street.

EXCEPTING THEREFROM all existing Modesto and Empire Traction Company rights of way or easements lying within the above-described strip of land.

SECTION 4. DURATION, REVOCATION AND TERMINATION OF GRANT.

(a) This grant shall endure in full force and effect for a period of twenty (20) years from and after the effective date hereof, unless the same, with the consent of the

appropriate state or federal agency, shall be voluntarily surrendered or abandoned by grantee, or unless the franchise shall be forfeited for noncompliance with its terms by grantee.

(b) Grantee shall comply with the provisions of the City Charter and all lawful ordinances of the City, heretofore or hereafter adopted, relating to the operations hereunder. If grantee shall at any time fail to comply with or to fulfill any one or more of the terms or conditions of this franchise, the City Council may, by lawful ordinance, revoke this franchise, provided, however, that if such failure of compliance or fulfillment shall be due to a cause beyond the control of grantee, then this franchise shall not be so revoked until such failure shall have continued for a period of six (6) months after grantee has power to comply.

(c) If any term or condition of this franchise shall be or become invalid or unenforceable, the City Council may, by ordinance, terminate the franchise, provided the City Council shall find and declare that the invalid or unenforceable term or condition constituted a consideration material to the grant of this franchise.

#### SECTION 5. LIMITATION UPON SERVICE.

(a) The use or operation of grantee's franchise property shall be subject to all lawful ordinances of the City now or hereafter in effect relating thereto.

(b) Trains, cuts or strings of cars or single cars or locomotives shall not be permitted to stop or stand on any track or tracks covered by this franchise, except in connection with the switching of cars to or from industrial tracks connecting with such tracks and except to do so for vehicular traffic, traffic signals and railroad or grade crossings or in the event of emergencies such as derailments, mechanical failures, and the like.

(c) Provided, however, that written permission to deviate from any of the requirements of this Section 5 may be given by the City Manager when, in the judgment of such City Manager, unforeseen conditions or emergencies so warrant.

#### SECTION 6. STREET WORK BY GRANTEE.

(a) Grantee shall have the right to make all necessary excavations in the streets for installation, construction, maintenance, repair, replacement, reconstruction and removal of franchise property.

(b) Before grantee shall engage in any work in the streets for the installation, construction, maintenance, repair, replacement, reconstruction or removal of franchise property, written notice thereof shall be given to the Streets Superintendent. Except in the case of emergency work necessary to avoid an immediate interruption of service, or for the immediate preservation of the public safety, such notice shall be given at least forth-eight (48) hours, exclusive of Saturdays and Sundays and Holidays, prior to commencement of such work.

(c) The Streets Superintendent shall have authority to review the time and manner of performing any work in the public streets to the extent necessary, in his opinion, to provide for the public safety and convenience.

(d) Whenever the City or other governmental agency shall pave or repave the street or shall reconstruct a street with a higher type of pavement, grantee shall simultaneously pave or repave the portion of the street used by the track or tracks of grantee and between the rails and for two (2') feet on each side thereof, and between the tracks, if there be more than one,

and shall cause such street work to be done with the same kind of material as is used in the remaining width of each street, all to the satisfaction of the Streets Superintendent.

(e) Whenever the City or other governmental agency shall have previously constructed pavement or shall pave or repave a street under item (d) above, the grantee shall maintain and keep the portion of the street used by the track or tracks of grantee and between the rails and for two (2') feet on each side thereof, and between the tracks, if there be more than one, constantly in repair flush with the street and with good crossings, all to the satisfaction of the Streets Superintendent.

#### SECTION 7. PUBLIC IMPROVEMENTS BY PUBLIC BODIES.

(a) The City, the State and any political subdivision or governmental agency or instrumentality may construct, improve, install, repair, maintain and remove any public improvements or facilities such as sewers, drains, water or gas pipes, electric or other lines or conduits, and the like, in, under or above any street or portion thereof covered by this franchise.

(b) If the Streets Superintendent shall give to grantee twenty (20) days' written notice of the fact that work is to be done pursuant to any right reserved in subdivision (a) of this section, specifying the general nature of the work and the area in which the same is to be performed, then grantee shall at its own expense do all things necessary to support and protect its franchise property during the progress of such work, and, if ordered by the Streets Superintendent, the grantee shall at its own expense disconnect, remove, or relocate its franchise property within the street to such extent, in such manner, and for such period as shall be necessary to permit the performance of such work in an economical manner and in accordance

with generally recognized engineering and construction methods, and to permit the maintenance, operation, and use of such public improvement or of the street as so improved. If the location of grantee's franchise property in such streets or portion thereof increases the cost of such work described in paragraph (a) above, grantee shall be liable and pay for such increased cost caused by the location of such franchise property.

#### SECTION 8. CONSTRUCTION AND RECONSTRUCTION OF TRACKS.

(a) The rails of the tracks constructed or reconstructed after the effective date of this franchise in the improved or paved streets pursuant to this franchise, shall be guarded tee rail satisfactory to the Streets Superintendent. All tracks so constructed or reconstructed pursuant to this franchise shall be placed and maintained at grades and alignments prescribed by the Streets Superintendent.

(b) In the event the City shall from time to time prescribe any change of grade or alignment for the street in which the track or tracks is located, the grantee shall at its own expense cause its rails to conform to the newly prescribed grade or alignment at the request of the City.

(c) All future installations, and the grade to which they shall be constructed shall all be satisfactory to the Streets Superintendent.

SECTION 9. GRADE SEPARATIONS. Grantee shall bear such costs of installation, alteration, maintenance or operation of crossing protections or of grade separations as may be ordered by the Public Utilities Commission.

SECTION 10. DAMAGE TO PUBLIC PROPERTY. Grantee shall pay to the City on demand the cost of all repairs to public property made necessary by or proximately resulting from any operations of grantee under this franchise, ordinary wear and tear excepted.

SECTION 11. INSTALLATION OF OTHER UTILITIES. The City reserves to itself, as against the grantee, the following rights:

(a) To permit others to construct, install, maintain, repair and renew property of any character in and upon all of the streets covered by this franchise.

(b) To permit others to operate and use, for every lawful purpose, any property, other than property of grantee, constructed, installed, maintained or renewed in the streets covered by this franchise.

Provided, however, that City shall include in any authority granted to others pursuant to the rights reserved in (a) and (b) above, reasonable provisions for the protection by and at the expense of such others of the franchise property of grantee, including, but not limited to, reasonable provisions as to the methods and time of performance of work by such others on, under, over and adjacent to grantee's franchise property.

Grantee shall bear the expense of all repairs, reconstruction or support and protection of its franchise property made necessary by the use, operation, maintenance, repair or renewal of any property constructed or installed in the streets prior to the construction or installation therein of grantee's franchise property.

(c) The rights reserved to the City in and by this section are independent of, and in addition to, the rights of the City with respect to public improvements under Section 7 of this franchise.

#### SECTION 12. TERMINATION OF SERVICE.

(a) Unless otherwise authorized by ordinance, in the event of abandonment of service, grantee shall at its expense within three (3) months thereafter remove its franchise properties from streets and reconstruct the pavement and other street improvements adjacent to franchise properties so that the work will join and be contiguous with the work done in adjoining portions of the street; all of said work to be done under the supervision of and to the satisfaction of the Streets Superintendent.

(b) For the purpose of this section, failure to maintain service for a period of six (6) months shall constitute abandonment of service, except where such failure is due to strikes, acts of God, or other causes beyond the reasonable control of grantee.

(c) In the event grantee fails or refuses to remove its franchise properties from the streets as provided for in subsection (a) hereinabove, the City Council may declare a breach of the conditions of this franchise and grantee shall be liable and pay to the City the reasonable cost of doing the work required by said subsection (a).

#### SECTION 13. CITY'S RIGHT TO INSPECT PROPERTY AND RECORDS AND OBTAIN REPORTS.

(a) At all reasonable times, grantee shall permit the City Manager, or any person designated by him, to examine all property of grantee constructed, installed, maintained, or operated pursuant to this franchise, together with any appurtenant property of grantee.

(b) Grantee shall at the request of the City Manager prepare and furnish the City Manager, at its expense within thirty (30) days, such reports with respect to its operations, affairs, transactions, property and financial conditions as may be reasonably necessary or appropriate to the performance of any of the duties of the City Manager with relation to this franchise.

#### SECTION 14. INSURANCE/INDEMNIFICATION OF CITY.

(a) Insurance. The grantee shall maintain during the duration of the franchise insurance, self-insurance, or a combination of self-insurance and insurance against claims or injuries to persons or damages to property which may arise from or in connection with the Grantee's operations under the franchise. Coverage shall be as follows:

(1) Comprehensive General Liability Policy with the Broad Form Endorsement or Commercial General Liability Policy. The minimum limits shall be \$5 million in combined single limits per occurrence for bodily injury, personal injury and property damage.

(2) Commercial Automobile Liability Policy endorsed with Code 1 "any auto." The minimum limits shall be \$5 million in combined single limits per accident for bodily injury and property damage.

The policies shall be endorsed to contain the following provisions:

(1) The City of Modesto, its officers, agents, employees and volunteers are to be covered as additional insureds as respects: liability arising out of operations performed by grantee under this franchise; except for liability arising out of the sole negligence of the City of Modesto, its officers, agents, employees, and volunteers.

(2) The grantee's insurance coverage shall be primary insurance as respects the City, its officers, agents, employees and volunteers. Any insurance, self-insurance or loss pools in which the City participates shall be excess of the grantee's insurance, and shall not contribute with grantee's insurance.

(b) Indemnification. The grantee shall save, keep and hold harmless the City of Modesto, its officers, agents, employees and volunteers from all damages, costs, or expenses in law or equity that may at anytime arise or be set up because of damages to property or personal injury received by reason of or in the course of operations by Grantee under this franchise, which may be occasioned by any willful or negligent act or omission of the grantee, any of the grantee's employees or any subcontractor.

SECTION 15. FORFEITURE. If grantee shall fail, neglect or refuse to comply with any of the terms or conditions of this grant, and if such failure, neglect or refusal shall continue for more than sixty (60) days after written demand by the City, or its City Manager, for compliance therewith, then, and in that event the City, by its legislative body, in addition to all rights and remedies, allowed by this franchise or by law, may thereupon declare a forfeiture of the franchise, right and privilege granted by this ordinance. Upon any such

forfeiture, all the franchise rights and privileges of grantee granted hereby shall thereupon be at an end.

No provision herein made for the purpose of securing the enforcement of the terms and conditions of this franchise shall be deemed an exclusive remedy or to afford the exclusive procedure for the enforcement of said terms and conditions, but the remedies and procedure outlined herein or provided, including forfeiture, shall be deemed to be cumulative.

SECTION 16. TRANSFER OF FRANCHISE RIGHT. No transfer, assignment or lease, or attempted transfer, assignment of lease, of this franchise, in whole or in part, or of any right, privilege or interest therein to any person, firm or corporation shall have any force, effect or validity without the express consent of the City given by ordinance, provided, however, that nothing herein shall be construed to prevent grantee from including this franchise in a mortgage or deed of trust without such express consent.

SECTION 17. DELIVERY OF NOTICE.

(a) Any written notice herein required to be given by City, or any of its officers or agents, to grantee shall be delivered in person or sent by registered mail to the President of grantee.

(b) Any written notice herein required to be given by grantee to the City, or any of its officers or agents, shall be delivered in person to the individual for whom it is intended, or to the City Manager of the City, or sent by registered mail to the City Manager of the City.

SECTION 18. ACCEPTANCE OF FRANCHISE. Grantee shall within thirty (30) days after the effective date of this ordinance file with the City Clerk a written instrument satisfactory to the City Attorney accepting the terms and conditions hereof, and at the same time pay to the City the first annual payment referred to in Section 19. If grantee shall fail to file its acceptance with the City Clerk and to make said payment to City within the aforesaid time, the franchise hereby granted shall be ipso facto void.

SECTION 19. CONSIDERATION FOR FRANCHISE.

(a) Annual Consideration. As consideration for the granting of this franchise, grantee shall pay to the City annually on the anniversary of the effective date hereof an amount equivalent to the sum of Three and 32/100ths (\$3.32) Dollars per track foot, or fraction thereof, retroactive to June 14, 2007, for the portion of all tracks in street areas as measured along the center line of each track described in Section 3.

(b) Periodic Adjustment of Consideration. The annual consideration provided for herein shall be subject to adjustment every two (2) years. The first such adjustment shall be effective on June 14, 2009; subsequent adjustments shall become effective on June 14 of 2011, 2013, 2015, 2017, 2019, 2021, 2023 and 2025 (herein called "adjustment date").

The basis for computing the adjustment shall be the then current Consumer Price Index for all urban wage earners and clerical workers for San Francisco-Oakland, published by the United States Department of Labor, Bureau of Labor Statistics, in comparison with the Index in effect at the time of the adjustment date two years prior. The first adjustment shall be based

on CPIs in effect on June 14, 2007 and June 14, 2009. In no event shall the minimum annual consideration be less than the \$3.32 per track foot as established herein.

If the index is discontinued or revised during the term of this franchise, such other government Index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or reviewed.

(c) Adequate Consideration. The foregoing payments and the agreements and obligations of grantee hereunder are deemed by the City Council to be an adequate consideration for the privilege hereby granted.

SECTION 20. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

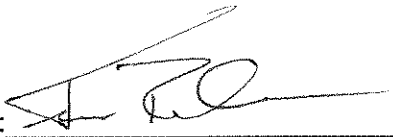
SECTION 21. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2007, by Councilmember Olsen, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Approved:   
\_\_\_\_\_  
JIM RIDENOUR, Mayor

ATTEST:

By:   
\_\_\_\_\_  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3446-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: July 26, 2007



ORDINANCE NO. 3447-C.S.

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND KAISER FOUNDATION HOSPITALS RELATED TO DEVELOPMENT OF A MEDICAL CENTER ON PROPERTY LOCATED ON THE WEST SIDE OF DALE ROAD NORTH OF BANGS AVENUE AND SOUTH OF HEALTH CARE WAY.

WHEREAS, Government Code Section 65864, et seq., authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, by City Council Resolution No. 91-185, adopted on March 26, 1991, the City Council established procedures and requirements for the consideration of development agreements, and by City Council Resolution No. 97-492, adopted on August 26, 1997, the City Council revised said procedures and requirements and superseded Resolution No. 91-185, and

WHEREAS, on August 10, 2004, the City Council introduced Ordinance No. 3357-C.S. which approved a Development Agreement with Kaiser Foundation Hospitals to allow development of the site, processing of future entitlements, payment of fees and taxes, installation of public infrastructure, and implementation of environmental mitigation measures, and

WHEREAS, on August 8, 2006, the City Council introduced Ordinance No. 3422-C.S. which approved a First Amendment to the Development Agreement between the City of Modesto and Kaiser Foundation Hospitals to allow a change in the completion date for a new domestic water well, change in the completion date for the Kiernan/Dale intersection

improvements, change in the completion date for formation of the Community Facilities District and a delay in opening Health Care Way, and

WHEREAS, Kaiser Foundation Hospitals and the City now desire to enter into a Second Amendment to said Development Agreement to allow Kaiser to use up to 5,000 square feet of the Phase A hospital for MRI and CT scan services (“Limited Radiology Space”), modify provisions related to the domestic water well, modify the construction and funding provisions related to the intersection improvements at SR219 and Dale Road, and approve a minor site plan modification related to the bus turnout on Dale Road, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on June 18, 2007, in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, for the purpose of making a recommendation to the City Council concerning the Second Amendment to said Development Agreement, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 2007-27 adopted on June 18, 2007, recommended to the City Council approval of the proposed Second Amendment to the Development Agreement between the City of Modesto and Kaiser Foundation Hospitals, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m., on June 26, 2007, in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of considering the Second Amendment to the Development

Agreement between the City of Modesto and Kaiser Foundation Hospitals to allow Kaiser to use up to 5,000 square feet of the Phase A hospital for MRI and CT scan services (“Limited Radiology Space”), modify provisions related to the domestic water well, modify the construction and funding provisions related to the intersection improvements at SR219 and Dale Road, and approve a minor site plan modification related to the bus turnout on Dale Road, and

WHEREAS, Section 65867.5 of the Government Code provides that a development agreement is a legislative act which shall be approved by ordinance and is subject to referendum, and

WHEREAS, said Government Code section further provides that a development agreement or any amendment thereto, shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan,

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

SECTION 1. FINDINGS. The Council of the City of Modesto hereby finds and determines as follows:

1. The proposed Second Amendment to the Development Agreement is consistent with the General Plan and the Kiernan Business Park Specific Plan of the City of Modesto because the resulting development would be consistent with the land uses of the Kiernan Business Park Specific Plan and the proposed Second Amendment to the Development Agreement will continue to ensure that adequate infrastructure planning and construction is done prior to development, as required by the General Plan.
2. The proposed Second Amendment to the Development Agreement is consistent with the specific content and other requirements of City Council

Resolution No. 97-492, which establishes procedures and requirements for the consideration of development agreements; the City's subdivision and zoning provisions of the Modesto Municipal Code; and Government Code Section 65864, et seq.

3. The City Council has considered a Second Addendum to the Kaiser Medical Center/Cornerstone Business Park Project Final Environmental Impact Report ("EIR") together with the EIR. The City Council determines that pursuant to CEQA Guidelines Sections 15162-15164, the proposed Second Amendment to Development Agreement is generally within the scope of and adequately described by the EIR, that minor and insubstantial changes or additions to the EIR are required and have been addressed in the Second Addendum, but no further environmental documentation is necessary. The City Council is not recertifying the EIR.

SECTION 2. APPROVAL OF DEVELOPMENT AGREEMENT. The Second Amendment to the Development Agreement between the City of Modesto and Kaiser Foundation Hospitals to allow Kaiser to use up to 5,000 square feet of the Phase A hospital for MRI and CT scan services ("Limited Radiology Space"), modify provisions related to the domestic water well, modify the construction and funding provisions related to the intersection improvements at SR219 and Dale Road, and approve a minor site plan modification related to the bus turnout on Dale Road is hereby approved. A copy of the Second Amendment to the Development Agreement is on file in the Office of the City Clerk.

SECTION 3. EXECUTION BY CITY. The City Manager or his authorized designee is hereby authorized to execute said Second Amendment to the Development Agreement on behalf of the City of Modesto.

SECTION 4. RECORDING OF AGREEMENT. Pursuant to Government Code Section 65868.5, no later than ten (10) days after the City approves said Second Amendment to the Development Agreement, the City Clerk is hereby directed to record with the County

Recorder a copy of the Second Amendment to the Development Agreement which shall describe the land subject thereto.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 2007, by Councilmember Keating, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

By   
\_\_\_\_\_  
JIM RIDENOUR, Mayor

ATTEST:

By   
\_\_\_\_\_  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3447-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED:



MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: August 2, 2007



ORDINANCE NO. 3448-C.S.

AN ORDINANCE AMENDING SECTION 8-3.102 OF ARTICLE  
1 OF CHAPTER 3 OF TITLE 8 OF THE MODESTO  
MUNICIPAL CODE RELATING TO CITY CONTRACTS -  
CONTRACTING AUTHORITY.

The City Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 8-1.102 of Article 1 of

Chapter 3 of Title 8 of the Modesto Municipal Code is hereby amended to read as follows:

**8-3.102. CONTRACTING AUTHORITY.**

The City Manager may approve and authorize all contracts and purchase orders involving an expenditure of City funds in the total amount of fifty thousand dollars (\$50,000.00) or less. Except as noted below, no contract involving an expenditure in excess of fifty thousand dollars (\$50,000.00) may be authorized, approved or executed without City Council approval. The fifty thousand dollars (\$50,000.00) limit set forth in the preceding sentences does not apply to the following:

- (a) Contracts for public works projects consisting of the improvement or modification of traffic signals or signal systems including those street improvements which are incidental to or related to the improvement or modification of the traffic signal. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of two hundred fifty thousand dollars (\$250,000.00) or less.
- (b) Contracts for public works projects consisting of the construction, improvement, repair, expansion, renovation or modification of any facilities funded by a Mello-Roos Community Facilities District and involving an expenditure of District Facility Taxes in the amount of three million dollars (\$3,000,000.00) or less. The District Administrator may approve and authorize all contracts for such projects.
- (c) Contracts for public works projects consisting of the maintenance, repair, replacement, and improvement of existing water lines. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of three hundred thousand dollars

- (\$300,000.00) or less.
- (d) Contracts for public works projects consisting of the installation and establishment of water service connections associated with new development. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of seventy-five thousand dollars (\$75,000.00) or less.
  - (e) Contracts for public works projects consisting of repairs determined by the City Manager to be of urgent necessity for the preservation of life, health, or property. The City Manager may approve and authorize all contracts for such projects in the amount of two hundred thousand dollars (\$200,000.00) or less. Within ten (10) days of the authorization for any such work, the City Manager shall report to the City Council the circumstances of the emergency.
  - (f) Contracts for public works projects consisting of the construction, improvement, repair, expansion, renovation, or modification of any facilities associated with development and installed by the developer provided:
    - (1) That an agreement is approved by the City Council prior to commencement of construction of the works.
    - (2) The agreement clearly defines the work to be done and the basis for reimbursement.
    - (3) That total reimbursement required by the agreement is less than four hundred thousand dollars (\$400,000.00) in City funds.
  - (g) Contracts for public works projects consisting of the installation, construction, and improvement, of the Coffee-Claratina Dual Use Neighborhood Park/Storm Basin in the City of Modesto. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of one million five hundred thousand dollars (\$1,500,000.00) or less.
  - (h) Contracts for public works projects consisting of the installation and construction of any upgrade and/or rebuild of the City's Institutional Network (INET). The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of four million two hundred thousand dollars (\$4,200,000.00) or less.

- (i) Contracts for public works projects consisting of those improvements to the South Modesto water system identified in that certain technical memorandum prepared by West Yost and Associates dated October 17, 2005, as amended on November 7, 2005, for the benefit of the Galas Brothers Unit II Project bounded by Hatch Road, Estrella Way, Ironside Drive, Salazar Circle and Monticello Lane in the City of Modesto and any incidental work thereto. The City Manager may approve and authorize all contracts for this project involving a total expenditure of City funds not to exceed two million five hundred thousand dollars (\$2,500,000) or less.
- (j) Contracts for public works contracts consisting of the purchase, installation and replacement of water meters including an automated water meter reading (AMR) system and infrastructure work in conjunction with the system-wide water metering program. The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount of five million dollars (\$5,000,000) or less annually.
- (k) Contracts for paving and landscaping work to be done by City forces at the City's Traffic Operations Facility located at 117 Elm Street in the amount of one hundred thousand dollars (\$100,000) or less.
- (l) Contracts for public works projects consisting of the design, purchase and installation of water lines and associated equipment used to blend down contaminants at water well sites in the amount of one million five hundred thousand dollars (\$1,500,000) per project.

Any contract for a public works project which may be approved as set forth in subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) above of this section and authorized by the City Manager, District Administrator, or other authorized person, is not subject to the public bidding requirements of articles 2 and 4 of this chapter or of Section 1307 of the Modesto City Charter. This section is adopted pursuant to Sections 801(1c) and 1307 of the Modesto City Charter. The City Manager may delegate his or her authority in a manner consistent with the procedures established by this chapter. As set forth in Section 2-2.03 of this Code, all contract documents that require City Council approval shall be approved as to form by the City Attorney or the City Attorney's authorized representative before presentation to the City Council.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in

full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Keating, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED:   
\_\_\_\_\_  
JIM RIDENOUR, Mayor

ATTEST:

By:   
\_\_\_\_\_  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3448-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:



MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: August 2, 2007

ORDINANCE NO. 3449-C.S.

AN ORDINANCE AMENDING SECTIONS 5-6.303 AND 5-6.403 OF CHAPTER 6 OF TITLE 5 OF THE MODESTO MUNICIPAL CODE RELATING TO SEWAGE COLLECTION AND DISPOSAL.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 5-6.303 and 5-6.403 of

Chapter 6 of Title 5 of the Modesto Municipal Code are hereby amended to read as follows:

**5-6.303. CONNECTION TO SEWAGE SYSTEM--UPON ANNEXATION--WHEN REQUIRED.**

- (a) Buildings or structures connected to septic tanks in territory not located within the Sewer District on July 1, 1967, but which territory is subsequently annexed to the Sewer District, shall be connected to a sewer lateral within five (5) years from the effective date of annexation, where a sewer lateral is available or within five (5) years after a sewer lateral becomes available, whichever occurs later.
- (b) Buildings or structures must be connected to a sewer lateral when they are sold or ownership is otherwise transferred at any time after annexation to the Sewer District.

**5-6.403. RESERVATION CHARGE.**

Whenever the annual gallonage of flow from a major industrial user for a calendar year falls below eighty (80) percent of the capacity allocation shown on a permit issued in accordance with Section 5-6.401, the major industrial user shall pay for the calendar year a minimum sewer service charge, based on eighty (80) percent of the capacity allocation shown on the permit, to pay for unused capacity allocated to the industrial user.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption,

copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating, O'Bryant

APPROVED: 

JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3449-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of August, 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: September 7, 2007



ORDINANCE NO. 3450-C.S.

AN ORDINANCE AMENDING SECTION 29-3-9 OF THE ZONING MAP TO REZONE FROM LIGHT INDUSTRIAL ZONE, M-1, TO PLANNED DEVELOPMENT ZONE, P-D(580), PROPERTY LOCATED AT 1231 8<sup>th</sup> STREET. (TALLAC MODESTO PARTNERS, LLC)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Light Industrial Zone, M-1, to Planned Development Zone, P-D(580):

M-1 to P-D(580)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Southwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Lots 1 thru 11 in Block 39 as shown on that Map of City of Modesto Block 39 filed in Volume 15 of Maps, Page 39, Stanislaus County Records;

also including the southwesterly half of 8<sup>th</sup> Street; the southeasterly half of M St, and the northeasterly half of the alley; all being immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(580) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Airspace office condominiums with uses as permitted in the Light Industrial Zone, (M-1).

SECTION 3. ZONING MAP. Section 29-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.


SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of August, 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:


By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO DESCRIPTION:

By:   
Community Development Department  
Planning Division

Ord. No. 3450-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

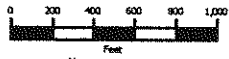
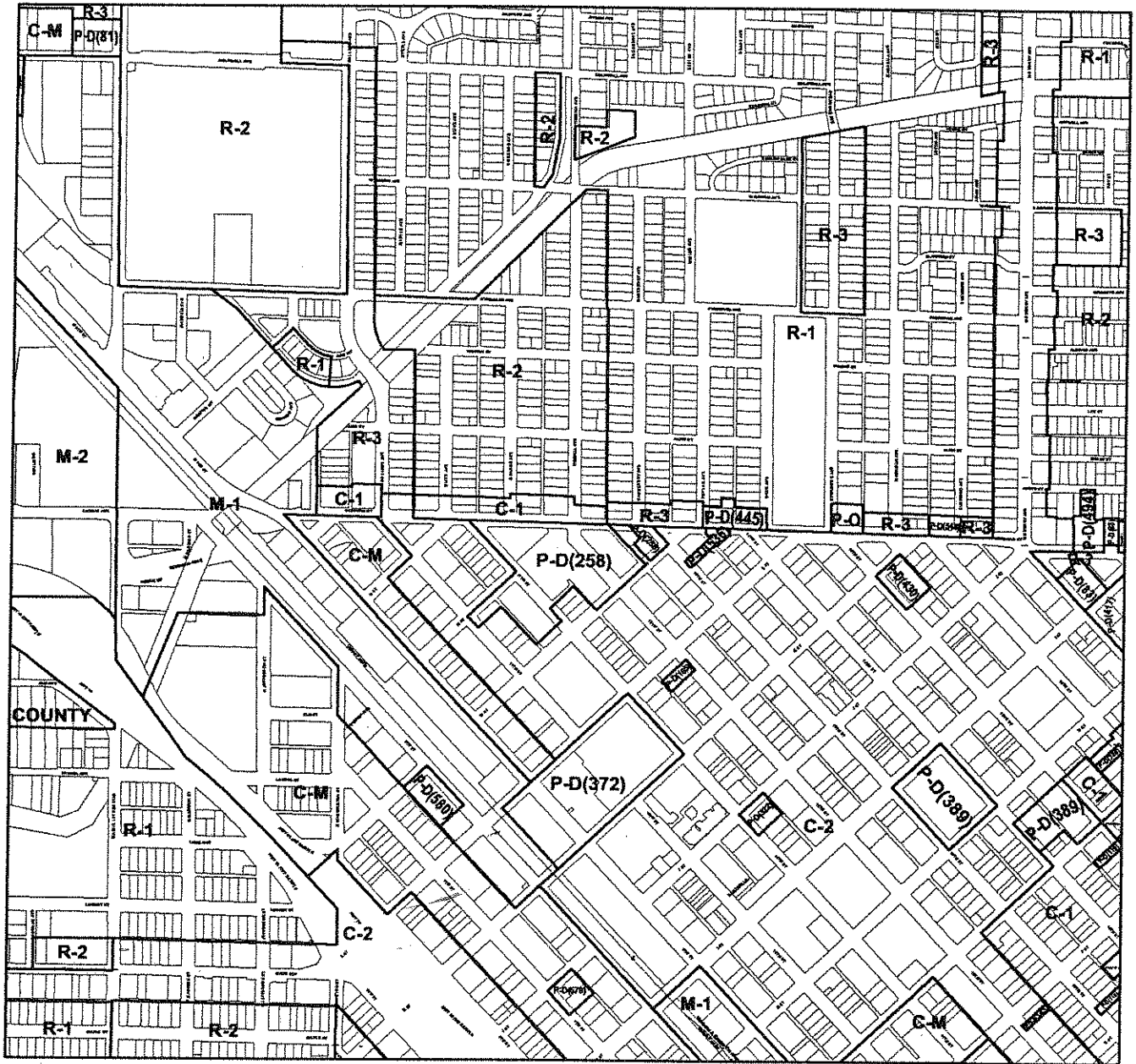


MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: October 4, 2007



Aug. 10, 2007

# City of Modesto Zoning Map 29-3-9



ORDINANCE NO. 3451-C.S.

AN ORDINANCE ADDING CHAPTER 19 ENTITLED "MOBILEHOME RENT STABILIZATION PROGRAM" TO TITLE 4 OF THE MODESTO MUNICIPAL CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 19 entitled "Mobilehome Rent Stabilization Program" is hereby added to Title 4 of the Modesto Municipal Code to read as follows:

**CHAPTER 19. MOBILEHOME RENT STABILIZATION PROGRAM**

**4-19.01. FINDINGS.**

- (a) Approximately a year and a half prior to the adoption of this ordinance, many citizen-residents of mobilehome parks began submitting concerns and complaints about rapidly increasing mobilehome park space rents which threatened to cause the displacement of residents, to the attention of the Modesto City Council, as well as the Stanislaus County Board of Supervisors and the City Councils of Ceres, Riverbank, and Oakdale.
- (b) In response to these complaints and developing crisis, requests for a rent control ordinance, in the spring of 2006 the Modesto City Council, along with the Board of Supervisors, and the City Councils of Ceres, Riverbank and Oakdale, formed an Ad Hoc Committee (the "Ad Hoc Committee") to look at options available to address this growing concern. The Ad Hoc Committee was made of up elected officials from each jurisdiction.
- (c) The Ad Hoc Committee met approximately 9-10 times between May 2006 and February 2007. Over the course of their meetings the Ad Hoc Committee took in documentary evidence and testimony from residents and owners, as well as receiving information from subject matter experts in the area of mobile home rent control.
- (d) During the time the Ad Hoc Committee was studying this issue, mobilehome space rents continued to increase, some very drastically. The citizen-residents submitted testimonial and documentary evidence demonstrating that some mobilehome parks

specifically cited the threat of potential rent control as a reason for the rent increases during this time.

- (e) Collectively, the decision of the Ad Hoc Committee was for the representatives of the various agencies to recommend rent stabilization ordinances in all the involved jurisdictions. On April 30, 2007, this recommendation was brought to the Modesto City Council, who then acted to move forward with the adoption of a rent stabilization ordinance.
- (f) The City of Modesto currently has nine (9) mobilehome parks with a total of approximately fourteen hundred ( 1400 ) mobilehome spaces. These mobilehome spaces also represent a significant portion of the low cost affordable housing supply within the City.
- (g) The State of California has recognized, by the adoption of special legislation regulating the terms and conditions of tenancies of mobilehome owners in mobilehome parks, that there is a significant distinction between the situation of residents (mobilehome owners) of mobilehome parks and tenants of rental apartments or other rental property. This legislative recognition is codified in the state mobilehome residency law, which is found at California Civil Code Section 798.55a, and includes the following findings:

The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.

- (h) In 2001, the United States Supreme Court also explained the "unique" nature of mobilehome space rentals in its pivotal holding in *Yee v. The City of Escondido* 503U.S. 519, 523 112 S.Ct. 1522, 118 L.Ed.2<sup>nd</sup> 153 (1992) while holding as follows:

This case concerns the application of a mobilehome rent control ordinance, and some background on the unique situation of the mobilehome owner in his or her relationship to the mobilehome park owner may be useful. The term 'mobilehome' is somewhat misleading. Mobilehomes are largely immobile as a practical matter, because the cost of moving one is often a significant fraction of the value of the

mobilehome itself. They are generally placed permanently in parks; once in place, only about 1 in every 100 mobilehomes is ever moved. [Citation.]

A mobilehome owner typically rents a plot of land, called a 'pad,' from the owner of a mobilehome park. The park owner provides private roads within the park, common facilities such as washing machines or a swimming pool, and often utilities. The mobilehome owner often invests in site-specific improvements such as a driveway, steps, walkways, porches, or landscaping. When the mobilehome owner wishes to move, the mobilehome is usually sold in place, and the purchaser continues to rent the pad on which the mobilehome is located." (*Yee v. Escondido*, 503 U.S. 519, 523, 112 S.Ct. 1522, 118 L.Ed.2d 153 (1992).) Thus, unlike the usual tenant, the mobilehome owner generally makes a substantial investment in the home and its appurtenances--typically a greater investment in his or her space than the mobilehome park owner. [cite omitted] The immobility of the mobilehome, the investment of the mobilehome owner, and restriction on mobilehome spaces, has sometimes led to what has been perceived as an economic imbalance of power in favor of mobilehome park owners. *Galland v. Clovis*, 24 Cal.4<sup>th</sup> 1003, 1009-10 (2001).

- (i) As a practical matter, mobilehomes in mobilehome parks are "immobile". The cost of moving a mobilehome from one park to another is substantial. Generally, mobilehome parks will not accept mobilehomes that are more than a few years old. As a result, owners of mobilehomes in mobilehome parks are virtually captive tenants. The result is that often the only space where they can place their mobilehome is the space where it is currently located.
  
- (j) The City of Modesto commissioned a Mobilehome Market Study in July of 2007 (hereinafter the "Market Study"). The results of the Market Study provided that between the years 2000 through 2007, most mobilehome residents have experienced average rent increases of 25 to 40 percent. However, within the last two years, some mobilehome residents have experienced a dramatic increase in rent, in some cases more than 90%. This has led to tremendous financial hardship, particularly for residents on fixed incomes, including senior citizens. Under the Mobilehome Residency Law, residents are not entitled to receive more than a ninety-day (90) notice of an increase in rents, which may not provide sufficient time to plan and budget for these significant rent increases. The Market Study also indicated that some residents received more than one such significant increase within a year's time.

- (k) One effect of the rapidly increasing mobilehome rent spaces has been that mobilehome owners who could no longer afford to pay the rent spaces, have been forced to sell their mobilehomes. In some cases, as revealed by the Market Study, mobilehome owners who were neither able to sell their home nor afford the increased rent, simply walked away from their mobilehomes.
- (l) Mobilehome parks are a valuable resource of affordable housing for low and moderate income individuals and families. In the City of Modesto, approximately 40% of mobilehome park residents qualify as low income, with annual incomes of less than twenty thousand (\$20,000).
- (m) Most of the mobilehome park residents in the City own their own mobilehomes. A significant portion of those mobilehome owners have made a substantial financial investment in their mobilehomes.
- (n) The Market Study further revealed that a significant proportion of mobilehome park residents are senior citizens, many of whom live on limited or fixed incomes.
- (o) The Market Study also confirmed that due to the unaffordability of significantly increasing rents, some mobilehome owners have had to sell their homes for drastically reduced prices, and in some cases, the owners have had to abandon their homes entirely when they found themselves unable to sell and unable to afford the increased rent.
- (p) The average income level of mobilehome owners is substantially below the area median income level and the level necessary to afford a median priced rental unit.
- (q) Due to their limited or fixed incomes, their large investment in their mobilehomes, and the immobility of mobilehomes which creates a captive market, mobilehome park residents generally have very limited economic bargaining power concerning the rents charged for mobilehome park spaces.
- (r) If there are no limits on rent increases for mobilehome spaces, park owners could impose excessive rent increases that would further result in mobilehome owners suffering severe financial hardship, including, but not limited to, a drastic reduction or loss of equity in their mobilehomes.
- (s) Provide a minimal rollback of the effective date of this ordinance, to April 30, 2007 because that is the last day of the month in which the City Council determined a rent stabilization ordinance was needed to address the crisis of potential displacement of residents unable to afford to remain in their homes.

- (t) The City Council finds that the adoption of the ordinance codified in this chapter will not have a significant, substantial or adverse effect on the physical environment of the community because enactment of this chapter involves no deviation from the general plan and no change in the present use of any property within the unincorporated areas.

**4-19.02. PURPOSE.**

The purpose of this ordinance is to:

- (a) Encourage the fair and reasonable practices utilized by most mobilehome park owners and managers in the City.
- (b) Encourage good and productive relationships between mobilehome park owners and residents, and mobilehome park owners and managers.
- (c) Prevent excessive and unreasonable increases in mobilehome park space rents;
- (d) Prevent potential exploitation of the captive market made up of residents/owners of mobilehomes who cannot afford excessive rent increases, yet cannot or are unable to move to another mobilehome park.
- (e) Enable mobilehome owners to preserve some of the equity in their mobilehomes;
- (f) Permit mobilehome park owners to fairly run their businesses and receive a fair return on their investments; and,
- (g) Help preserve a valuable form of affordable housing within the City of Modesto.

**4-19.03. DEFINITIONS.**

- (a) Approved Long Term Lease Agreement/Supplement. The Approved Long Term Lease Agreement/Supplement is the Agreement approved by City Council Resolution, in accordance with the terms of the Memorandum of Understanding between the City and participating Park Owners. The Approved Long Term Lease Agreement/Supplement sets forth the applicable terms to be included in any long term lease agreement or as a supplement to any existing written lease agreement.

- (b) Consumer Price Index. The Consumer Price Index all items for the Western Region for all-urban consumers as reported by the Bureau of Labor Statistics of the United States Department of Labor.
- (c) Days. Days shall mean calendar days.
- (d) In-place transfer. The transfer of the ownership of a mobilehome with the mobilehome remaining on the mobilehome park space following the transfer.
- (e) Landlord. A mobilehome park owner, mobilehome owner, lessor or sublessor who receives or is entitled to receive rent for the use and occupancy of any rental unit or portion thereof, and the agent, representative or successor of any of the foregoing.
- (f) Mobilehome. A structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.
- (g) Mobilehome owner. A person who has the right to the use of a mobilehome lot within a mobilehome park on which to locate, maintain, and occupy a mobilehome, lot improvements and accessory structures for human habitation, including the use of the services and facilities of the park.
- (h) Mobilehome park. Any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.
- (i) Mobilehome Rent Hearing Board. A hearing board, identified as a subcommittee of the Citizens Housing and Community Development Commission, consisting of three members, exclusive of elected officials.
- (j) Mobilehome Rent Stabilization Administrator. The individual designated by the City Manager to administer the City's Mobilehome Rent Stabilization Program..
- (k) Mobilehome resident. A person, including a mobilehome owner or mobilehome tenant, who occupies a mobilehome.
- (l) Mobilehome tenant. A person who rents or leases a mobilehome from a mobilehome owner.

- (m) Rent. Any consideration, including any bonus, benefit or gratuity, demanded or received by a landlord for or in connection with the use or occupancy, including housing services, of a rental unit or in connection with the assignment of a lease or in connection with subleasing of the rental unit. Rent shall include charges for privileges and facilities supplied in connection with the use or occupancy of a mobilehome park space and pass throughs as authorized under this ordinance.

Rent shall not include:

- (1) Utility charges for charges for submetered gas and electricity;
  - (2) Charges for water, refuse disposal, sewer service, and, or other services which are provided and charged to mobilehome residents solely on a cost passthrough basis;
  - (3) Any amount paid for the use and occupancy of a mobilehome unit (as opposed to amounts paid for the use and occupancy of a mobilehome space.)
- (n) Rent increase. Any rent demanded of or paid by a mobilehome owner for a mobilehome park space in excess of rent paid for the rental unit immediately prior to such demand or payment. Rent increase includes any reduction in services provided to a mobilehome resident or transfer of the cost without a corresponding reduction in the moneys demanded for or paid as rent.
  - (o) Rental agreement. "Rental agreement" means a written agreement between a landlord and a mobilehome owner or mobilehome tenant for the use and occupancy of a rental unit to the exclusion of others.
  - (p) Rental unit. A mobilehome park space, located in a mobilehome park in the City of Modesto, which is offered or available for rent. Rental unit includes the land, with or without a mobilehome, and appurtenant buildings thereto and all housing services, privileges and facilities supplied in connection with the use or occupancy of the mobilehome or mobilehome park space.
  - (q) Service reduction. A decrease or diminution in the basic service level required to be provided by the landlord pursuant to any of the following:
    - (1) California Civil Code Section 1941.1 and 1941.2.

- (2) The Mobilehome Residency Law, California Civil Code Section 798 et seq.
- (3) The Mobilehome Parks Act, California Health and Safety Code Sections 18200 et seq.
- (4) The landlord's implied warranty of habitability.
- (5) An express or implied agreement between the landlord and the resident.
- (6) The level of service as implied by the condition of improvements, fixtures, and equipment and their availability for use by the resident, at the time of the last rent increase."

**4-19.04. APPLICABILITY OF THIS ORDINANCE.**

This ordinance shall be applicable to all mobilehome park spaces within the City, except as provided in Section 4-19.05 of this ordinance.

**4-19.05. EXEMPTIONS PURSUANT TO STATE LAW; EXEMPTIONS PURSUANT TO MEMORANDUM OF UNDERSTANDING WITH THE CITY; APPROVED LONG TERM LEASE/SUPPLEMENT.**

- (a) Exemptions Provided by State Law. The following serves as notification of exemptions from local rent regulations provided by state law:
  - (1) Spaces that are subject to a rental agreement which exempts that space from rent regulation pursuant to the California Mobilehome Residency Law, California Civil Code Section 798 et seq.
  - (2) Newly constructed spaces, which are exempted pursuant to Civil Code Section 798.45.
  - (3) Spaces which are exempt pursuant to Civil Code Sec. 798.21 (which exempts spaces which are not the principle residence of the mobilehome owner.)
  - (4) Any space otherwise exempted by state law.
- (b) Units Owned or Operated by Government Agencies.

- (1) The provisions of this ordinance shall not apply to mobilehomes or mobilehome parks owned or operated by any governmental agency.
  - (2) The provisions of this ordinance shall not apply to any rental unit whose rent is subsidized pursuant to a public program that limits the rent that can be charged for the mobilehome park space.
- (c) A mobilehome park shall be exempt from this ordinance if it has entered into a Memorandum of Understanding with the City. By signing the Memorandum of Understanding, the mobilehome park owner must provide all mobilehome owners and residents who, as of August 31, 2007, are not parties to an existing long-term rental agreement having an initial term in excess of twelve months, the opportunity to enter into the Approved Long Term Lease/Supplement, and provide proof of offer of said Approved Long Term Lease/Supplement to the City of Modesto, on the following conditions:
- (1) The Approved Long Term Lease/Supplement is identical to the Terms as approved by City Council Resolution. Any long term lease which offers the same or better protections to the mobilehome owners and residents may be used with approval of the City Manager or designee. As long as the Approved Long Term Lease/Supplement is offered to the mobilehome owners and residents, the park owner may offer other rental agreements to the mobilehome owners and residents for their consideration and acceptance/rejection.
  - (2) The mobilehome owner or resident is provided with an Information Sheet, which among other things, must set forward the rights of residents and owners under this ordinance as well as additional information as determined by the Mobilehome Rent Stabilization Program Administrator;
  - (3) The mobilehome park owner must submit verification of compliance with this section to the City for each current and incoming resident, in accordance with procedures as set forth by the Mobilehome Rent Stabilization Program Administrator. The mobilehome park owner must also submit verification of compliance upon request of the City.
  - (4) Such other criteria as may be set forth by City Council resolution.

#### **4-19.06. PERMISSIBLE RENT INCREASES; BASE YEAR**

No rent in excess of rent in effect on April 30, 2007 may be charged unless authorized by Section 4-19.07 (Automatic Annual Increases), Section 4-19.09 (Passthroughs of Property Tax Increases), Section 4-19.10 (Increases in Order to Provide a Fair Return) of this ordinance, or other applicable sections of this ordinance. With regard to those mobilehome parks that may be annexed into the City, the applicable base year and rent shall be that rent in effect at the time of the annexation.

**4-19.07. AUTOMATIC ANNUAL INCREASES BASED ON INCREASES IN THE CONSUMER PRICE INDEX.**

- (a) Rent Increases in 2007. On or after August 31, 2008, the rent may be increased to an amount equal to the rent in effect as of April 30, 2007 adjusted by one hundred percent (100%) of the increase in the percentage increase in the Consumer Price Index (CPI), since April 30, 2007. For the purposes of this subsection, the increase in the CPI shall be equal to the percentage increase between the CPI last reported as of January 1, 2008 and the CPI last reported as of July 30, 2008.
- (b) Rent Increases in 2008 and Subsequent Years. On or after August 31st of each year, the rent may be increased to an amount equal to the rent in effect on February 1st of the prior year adjusted by one hundred percent (100%) of the increase in the percentage increase in the CPI last reported as of August 31 in the year before the prior year and the CPI last reported as of August 31 of the prior year.
- (c) Calculation of the Percentage Increase in the CPI. The amount of the increase shall be rounded to nearest one-quarter of one percent.
- (d) Ceiling on Annual Automatic Rent Increases. The allowable increase pursuant to this section shall not exceed six percent (6%).
- (e) Notice of Allowable Annual Rent Increase.
  - (1) Notice by Mobilehome Rent Stabilization Administrator. The annual rent increase shall be annually calculated by the Mobilehome Rent Stabilization Administrator, and posted by April 30 of each year both in the City's Tenth Street Place building at 1010 Tenth Street, Modesto, California, and on the City's website. The information shall also be mailed to each non-exempt park owner and to the mobilehome owner representative in each park in the City.

- (2) Notice in Mobilehome Parks. A copy of the notice shall be posted by the park owner or manager in a prominent place in each non-exempt mobilehome park within three days after it is received by the park owner.
- (f) No Decrease if CPI Decreases. In the event that the CPI decreases, no rent decrease shall be required pursuant to this section.
- (g) Compliance with State Law. Rent increases permitted pursuant to this Section shall not be effective and shall not be demanded, accepted, or retained until the landlord has given the notice required by state law.

**4-19.08. INCREASES UPON IN-PLACES AND OTHER TRANSFER OF OWNERSHIP OF MOBILEHOMES.**

- (a) Increase Permitted. Upon an in-place sale or transfer of the ownership of a mobilehome, a park owner may increase the space rent by ten percent (10%).
- (b) Allowable Frequency of Increases. Only one increase of ten percent (10%) shall be allowed pursuant to this section within a 60 month period.
- (c) Types of Transfers Excluded from this Section. In place sales and transfer of ownership of the purposes of this Ordinance shall not include transfer to the conservator, guardian or trustee of a homeowner, transfers to a homeowner's trust (provided that the beneficiaries entitled to ownership of the mobilehome are members of the homeowner's immediate family), for transfers to a surviving spouse, parent, or children of the homeowner.
- (d) Replacement of Mobilehome not a Transfer. No increase may be imposed pursuant to this section pursuant to the removal of a mobilehome from a park by a homeowner already residing in the park for the purpose of replacing a mobilehome with a new or different mobilehome.
- (e) Advance Notice of Allowable Rent Increases Pursuant to this Section. A mobilehome owner who intends to offer the mobilehome for sale may request a written statement from the park owner specifying the rent which will be charged to a new mobilehome owner. The park owner shall provide this written statement within ten (10) days of the request, which shall be deemed received on the day that the notice is personally delivered or within three (3) days of the time that the notice is mailed.

**4-19.09. PASSTHROUGHS OF PROPERTY TAX INCREASES PURSUANT TO THE SALE OF A PARK AND/OR SPECIAL ASSESSMENTS.**

A park owner may passthrough property tax increases resulting from a reassessment of the park as a consequence of the sale of the park, provided that the purchaser of the park is not a member of the seller's immediate family or a surviving spouse. This section shall not authorize any passthrough that is not permitted under state law.

The amount of the property tax increase resulting from the sale of a park for the year in which the sale took place shall be computed by comparing the annual property tax for the property tax year (July 1-June 30) prior to the sale of the property with the property tax for the property tax year in which the transfer occurred. The amount of the property tax increase for subsequent years shall be computed by comparing the annual property tax for the property tax year (July 1-June 30) prior to the sale of the property with the property tax for the property tax year following the year in which the transfer occurred. The property tax comparisons pursuant to this section shall not take into account the portion of the property tax increase attributable to City-wide increase in assessed values, such as the two percent annual increase that is ordinarily applied to all properties.

A park owner may passthrough cost increases resulting from new types of property assessments.

The amount of the any property tax increase or cost increase resulting from a new type of property assessment shall be prorated on a monthly basis among all of the spaces in a park.

**4-19.10. RENT INCREASES IN ORDER TO OBTAIN A FAIR RETURN.**

In addition to the rent increases authorized by Sections 4-19.08, and 4-19.09 of this ordinance, a park owner may petition for a rent increase in order to obtain a fair return.

- (a) Presumption of fair base year net operating income. It shall be presumed that the net operating income received by the landlord in the base year, provided the landlord with a fair and reasonable return.
- (b) Fair Return. A park owner has the right to obtain a net operating income equal to the base year net operating income adjusted by one hundred percent (100%) of the percentage increase in the CPI since the base year.

- (c) Determination of Base year.
  - (1) Except as otherwise provided in this Section, for the purposes of calculating expenses, base year means the 2007 calendar year. For the purposes of calculating income, base year income means the annualized rental income of the park based on the rent in effect as of April 30, 2007.
  - (2) In the event that a rent increase determination is made pursuant to this Section, if a subsequent petition is filed, the base year shall be the year that was considered as the "current year" in the prior petition.
  - (3) In the event that base year income or expenses are adjusted pursuant to subsection E of this section, the adjusted amounts shall be used for the purposes of calculating base year income and/or expenses.
  - (4) In the event that the park is exempted from this ordinance pursuant to Sections 4-19.05 and 4-19.06 of this ordinance, for the purposes of calculating expenses, base year means the calendar year immediately preceding the termination of the exemption and base year income means the annualized rental income of the park as of December 31 in the year immediately preceding the termination of the exemption.
- (d) Current Year. The current year shall be the calendar year that precedes the year in which the application is filed.
- (e) Adjustment of Base Year Net Operating Income. Within two years following the adoption of this ordinance, the park owner or any mobilehome resident who is a party to the administrative hearing may present evidence to rebut the presumption of fair return based upon the base year net operating income as set forth in subsection C based on at least one of the following findings:
  - (1) Exceptional Expenses in the Base Year. The park owner's operating expenses in the base year were unusually high or low in comparison to other years. In such instances, adjustments may be made in calculating operating expenses so the base year operating expenses reflect average expenses for the property over a reasonable period of time. The following factors shall be considered in making such a finding:
    - (i) Extraordinary amounts were expended for necessary maintenance and repairs.

- (ii) Maintenance and repair was below accepted standards so as to cause significant deterioration in the quality of services provided.
  - (iii) Other expenses were unreasonably high or low notwithstanding the application of prudent business practices.
- (2) Exceptionally Low Rent in the Base Year. The gross income during the base year was disproportionately low due to exceptional circumstances. In such instances, adjustments may be made in calculating base year gross rental income consistent with the purposes of this ordinance. The following factors shall be considered in making such a finding:
  - (i) If the gross income during the base year was lower than it might have been because some residents were charged reduced rent;
  - (ii) If the gross income during the base year was significantly lower than normal because of the destruction of the premises and/or temporary eviction for construction or repairs;
  - (iii) The pattern of rent increases in the years prior to the base year and whether those increases reflected increases in the CPI;
  - (iv) Other exceptional circumstances.
- (f) Calculation of Net Operating Income.
  - (1) Net Operating Income. Net operating income shall be calculated by subtracting operating expenses from gross rental income.
  - (2) Gross Rental Income.
    - (i) Gross rental income shall include:
      - a) Gross rents calculated as gross rental income at one hundred percent occupancy, adjusted for uncollected rents due to vacancy and bad debts to the extent such are beyond the control of the landlord. No such adjustment shall be greater than

three percent of gross rents unless justification for a higher rate is demonstrated by the park owner.

- b) All other income or consideration received or receivable in connection with the use or occupancy of the rental unit.

(ii) Gross rental income shall not include:

- a) Income which constitutes reimbursement for utilities provided by the park owner.
- b) Income associated with provision of utility services when consideration of the income is preempted by state law.

(3) Operating Expenses.

(i) Included in Operating Expenses. Operating expenses shall include the following:

- a) Reasonable Costs of Operation and Maintenance.
- b) Management Expenses. It shall be presumed that management expenses have increased by the percentage increase in the CPI between the base year and the current year unless the level of management services has either increased or decreased between the base year and the current year.
- c) Utility Costs. Utility costs except utility costs which are excluded pursuant to subsection f of this section.
- d) Real Property Taxes. Rent increases obtained pursuant to this ordinance in order to cover increases in property taxes shall be considered in conjunction with consideration of property tax increases.

- e) License and registration fees required by law to the extent same are not otherwise paid by mobilehome residents.
- f) Landlord-performed labor. Landlord-performed labor compensated at reasonable hourly rates.
  - 1) No landlord-performed labor shall be included as an operating expense unless the landlord submits documentation showing the date, time, and nature of the work performed.
  - 2) There shall be a maximum allowed under this provision of five percent of gross income unless the landlord shows greater services were performed for the benefit of the residents.
- g) Costs of Capital Replacements. Costs of capital replacements plus an interest allowance to cover the amortization of those costs. In order to constitute operating expenses, all of the following conditions shall be met:
  - 1) The capital improvement is made at a direct cost of not less than one hundred dollars per affected rental unit or at a total direct cost of not less than five thousand dollars, whichever is lower.
  - 2) The costs, less any insurance proceeds or other applicable recovery, are averaged on a per unit basis for each rental unit actually benefited by the improvement.
  - 3) The costs are amortized over a period of not less than thirty six months.

- 4) The costs do not include any additional costs incurred for property damage or deterioration resulting from any unreasonable delay in the undertaking or completion of any repair or improvement.
  - 5) The costs do not include costs incurred to bring the rental unit into compliance with a provision of the Modesto Municipal Code or state law where the rental unit has not been in compliance from the time of its original construction or installation and such provision was in effect at the time of such construction or installation.
  - 6) At the end of the amortization period, the allowable monthly rent is decreased by any amount it was increased because of the application of this provision.
- h) Legal Expenses. Attorneys' fees and costs incurred in connection with successful good faith attempts to recover rents owing, successful good faith unlawful detainer actions not in derogation of applicable law, and legal expenses necessarily incurred in dealings with respect to the normal operation of the park to the extent such expenses are not recovered from adverse or other parties, subject to the following requirements:
- 1) Reasonable fees, expenses, and other costs incurred in the course of successfully pursuing rights under or in relationship to this ordinance and regulations adopted pursuant to the ordinance including costs incurred in the course of pursuing successful fair return petitions shall be amortized over a five year period, unless the Hearing Board concludes that a different period is more reasonable. The allowance for such amortized costs shall include an interest

allowance set in accordance with subsection F(3)(g)(3) of this section.

2) Allowable legal expenses which are not of a nature that recurs annually shall be amortized over a reasonable period of time and at the end of the amortization period, the allowable monthly rent shall be decreased by any amount it was increased because of the application of this provision.

i) Interest Allowance for Expenses that Are Amortized. An interest allowance shall be allowed on the cost of amortized expenses; the allowance shall be the interest rate on the cost of the amortized expense equal to the prime interest rate, plus one percent. The "average rate" shall be the rate Freddie Mac last published in its weekly Primary Mortgage Market Survey (PMMS) as of the date of the initial submission of the petition.

ii) Exclusions from Operating Expenses. Operating expenses shall not include the following:

(a) Mortgage principal or interest payments or other debt service costs.

(b) Any penalties, fees or interest assessed or awarded for violation of any provision of this ordinance or of any other provision of law.

(c) Land lease expenses.

- (d) Political contributions.
  - (e) Depreciation.
  - (f) Any expenses for which the landlord has been reimbursed by any utility rebate or discount, security deposit, insurance settlement, judgment for damages, settlement or any other method or device.
  - (g) Unreasonable expense increases since the base year.
  - (h) Uninsured losses.
- iii) Adjustments of Operating Expenses. Operating expenses shall be averaged with other expense levels for other years or amortized or adjusted by the CPI or may otherwise be adjusted, in order to establish an expense amount for that item which most reasonably serves the objectives of obtaining a reasonable comparison of base year and current year expenses when:
- a) An expense item for a particular year is not representative; or
  - b) The base year expense is not a reasonable projection of average past expenditures for that item in the years immediately preceding or following the base year; or

- c) The current year expense is not a reasonable projection of future expenditures of that item; or
- d) A particular expense exceeds the normal industry or other comparable standard for the area. In such a case, the park owner shall bear the burden of proving the reasonableness of the expense. To the extent that it is found that the expense is unreasonable it may be adjusted to reflect the normal industry standard.

(g) Assurance of a Fair Return.

Notwithstanding any other provision of this ordinance, nothing shall preclude the Hearing Board and the City Council, either in the exercise of their sound discretion during review of a petition for fair return adjustments or in response to a court order, from granting an increase that is necessary in order to meet constitutional fair return requirements and to take into account factors that must be considered in making a fair return determination."

**4-19.11. PROCEDURES FOR REVIEWING PETITIONS FOR FAIR RETURN RENT ADJUSTMENTS.**

- (a) **Right to Petition.** A mobilehome park owner who seeks to increase the rent of any mobilehome park space which is not exempted from this ordinance, by an amount in excess of the amounts authorized by this ordinance may file a petition pursuant to this Section. No petition may be filed pursuant to this Section until sixty (60) days after this ordinance goes into effect.
- (b) **Limit on Frequency of Petitions.** Only one petition pursuant to this Section may be filed for a mobilehome park within a twelve month period. An exception to this limitation shall be authorized in the event of extraordinary circumstances that could not reasonably have been foreseen at the time the prior petition was filed.

- (c) Petition Form Required. Such petition shall be on a form prescribed by the Mobilehome Rent Stabilization Administrator.
- (d) Contents of Petition Form. The form may require any information deemed relevant by the Mobilehome Rent Stabilization Administrator, and approved by the City Manager or designee. The form shall include, but not be limited to:
  - (1) A list of the names and addresses of all mobilehome owners and mobilehome tenants subject to the rent increase;
  - (2) A statement of the date the rent increase is proposed to be effective;
  - (3) The rent for each space in the park in the base year, the current year, the three prior years;
  - (4) An income and expense statement for the base year, the current year, and the three prior years;
  - (5) Evidence documenting the income and expenses claimed by the park owner.
  - (6) All other documentation upon which the park owner is relying on to justify the rent increase.
- (e) Determination that the Petition is Complete.

Within thirty (30) days after the petition is submitted, the Mobilehome Rent Stabilization Administrator shall determine if the petition is complete and inform the petitioner in writing that the application is complete or if deemed not complete, list the additional information that is required. If the petitioner submits additional information, within 20 days following the petitioner's submission of additional information the Mobilehome Rent Stabilization Administrator shall determine if the petition is complete and inform the petitioner in writing. If the Mobilehome Rent Stabilization Administrator fails to notify the petitioner of missing information within the 30-day or 20-day periods, the Hearing Board may nonetheless request that the petitioner complete the petition prior to the hearing, or deny the petition on the ground that it is incomplete.

- (f) Access to the Petition.

The City shall make the documentation required by this section available for inspection and copying by any person during the City's normal business hours. The petitioner shall maintain a copy of such documentation at the mobilehome park office and shall make such documentation available for inspection during the normal business hours of such office.

(g) Mobilehome Rent Stabilization Hearing Board.

When the Mobilehome Rent Stabilization Administrator deems an application complete under subsection E, the Administrator shall convene a hearing of the Mobilehome Rent Stabilization Board, which is comprised of a three-member subcommittee of the Citizens Housing and Community Development Commission. In no event shall one of the members of the Hearing Board be an elected official.

(h) Time of hearing.

(1) The Hearing Board shall commence an administrative hearing on the petition within not less than thirty (30) nor more than sixty (60) days after the date the park owner's petition is deemed complete. The hearing shall be completed within fifteen (15) days after it is commenced. These time deadlines may be extended if the Hearing Board finds that there is good cause to commence and/or complete the hearing at a later date.

(2) The Hearing Board may schedule the hearing during the normal business hours of the City unless the park owner or a majority of the residents that are subject to the petition request that the hearing be scheduled during the evening.

(i) Notice of hearing.

The City shall give written notice of the time, date, and place of the administrative hearing to the park owner or a majority of the residents that are subject to the petition at least thirty (30) days prior to the hearing.

(j) Requests for Additional Information by Opposing Party.

(1) Either party may request that additional specific supporting documentation

be provided to substantiate the claims made by the other party. The request shall be presented in writing to the Hearing Board.

- (2) The Hearing Board may order production of such requested documentation, if the Hearing Board determines the information is relevant to the proceedings.

(k) Rebuttal Reports.

The residents of the mobilehome park affected by the petition may submit rebuttal reports to the Hearing Board fourteen (14) days prior to a hearing. The petitioner may submit a response to the resident's rebuttal not less than seven (7) days prior to the hearing.

(l) Conduct of hearing.

- (1) The hearing shall be conducted by the Hearing Board in accordance with such rules and regulations as may be promulgated by Resolution of the City Council and any rules adopted by the Hearing Board.
- (2) The Hearing Board shall have the power and authority to require and administer oaths or affirmations where appropriate, and to take and hear evidence concerning any matter pending before the Hearing Board.
- (3) The rules of evidence generally applicable in the courts shall not be binding on the Hearing Board. Hearsay evidence and any and all other evidence which the Hearing Board deems relevant and proper may be admitted and considered.
- (4) Any party or such party's representative, designated in writing by the party, may appear at the hearing to offer such documents, oral testimony, written declaration or other evidence as may be relevant to the proceedings.
- (5) The Hearing Board may grant or order not more than two continuances of the hearing for not more than ten working days each. Additional continuances may be granted only if all parties stipulate in writing or if the Hearing Board finds that there is a good cause for the continuance. Such continuances may be granted or ordered at the hearing without further written notice to the parties.

- (6) A tape recording of the proceedings shall be made by the Mobilehome Rent Stabilization Administrator.
  - (7) The hearing shall be conducted in a manner that insures that parties have an opportunity to obtain documents and to obtain information about the theories and facts to be presented by the opposing parties an adequate time in advance of the hearing to enable preparation of a rebuttal.
- (m) Representation of parties.
- (1) The parties in any administrative hearing may be represented at the hearings by a person of the party's choosing. The representative need not be an attorney.
  - (2) The parties shall file a written designation of representatives with the Mobilehome Rent Stabilization Administrator at least five (5) days before the hearing date.
  - (3) The written designation of the representative shall include a statement that the representative is authorized to bind the party to any stipulation, decision or other action taken at the administrative hearing.
- (n) Hearing - Findings and Determination.
- (1) Within thirty (30) days following the close of the hearing, the Hearing Board shall submit to the Mobilehome Rent Stabilization Administrator a written statement of decision, together with written findings of fact upon which such decision is based,
  - (2) The Hearing Board's decision shall include a determination in accordance with the provisions of this chapter of the amount of the rent increase, if any, which is required to provide the landlord with a fair return and findings as to the income and expenses of the park in the base year and the current year with a breakdown of allowable expenses in accordance with the categories set forth in the application form.
  - (3) The Hearing Board's allowance or disallowance of any proposed rent increase or portion thereof may be reasonably conditioned in any manner
    - (1) necessary to effectuate the purposes and provisions of this chapter and
    - (2) consistent with California law.

- (o) Notice of Decision. The Mobilehome Rent Stabilization Administrator shall mail copies of the decision to the landlord or mobilehome park owner and all affected mobilehome owners and mobilehome tenants as soon as the decision, but in no case longer than ten (10) days.
- (p) Modification of Decision in the Event of Mathematical or Clerical Inaccuracies.

Any party alleging that the Hearing Board's statement of decision contains mathematic or clerical inaccuracies may so notify the Mobilehome Rent Stabilization Administrator within fifteen calendar days of the mailing of the decision. The Mobilehome Rent Stabilization Administrator shall refer such allegations to the Hearing Board, who shall review the decision, make any corrections warranted, and refile the statement of decision within ten working days following the referral by the Mobilehome Rent Stabilization Administrator. Upon refileing of the statement, the decision shall be final and binding on the parties.

- (q) Completion of Hearing and Issuance of Hearing Board's Decision.

After a petition is deemed complete, the overall time for conducting a hearing and issuing a decision shall not exceed 120 days.

- (r) Appeal of Decision of Hearing Board.

- (1) The Hearing Board's determination shall be subject to review pursuant to California Code of Civil Procedure Section 1094.5 as a final administrative determination.

- (s) Attendance of Mobilehome Owner. The administrative Hearing Board's decision shall apply to all mobilehome owners subject to the proposed rent increase regardless of whether such owner was present or represented at the hearing."

#### **4-19.12. RENT INCREASES FOR CAPITAL IMPROVEMENTS.**

- (a) New capital improvements shall be defined as services or improvements that do not exist in the park at the time the park owner incurs any of the costs for the services or improvements. New capital improvements shall not include replacement capital improvements or services, maintenance, or improvements the park owner was required by law to provide.

- (b) A park owner may pass through to mobilehome owners 100 percent (100%) of the cost of new capital improvements. A park owner may charge each affected mobilehome owner as additional rent the pro-rata share of new capital improvement costs including financing costs. Any assessment for a new capital improvement shall be identified separately and listed on rent statements along with the date on which the assessment will expire.
- (c) No costs of capital improvements other than new capital improvements as defined in subsection a) above may be passed through to mobilehome owners. Pass through of the costs of new capital improvements shall be subject to the following preconditions:
  - (1) Prior to initiating the service or incurring the capital improvement cost, the park owner must advise the mobilehome owners regarding the nature and purpose of the improvements and the estimated cost of the improvements.
  - (2) The park owner must obtain the prior written consent to the proposed new capital improvement of at least one (1) adult mobilehome owner in each of a majority of the mobilehome spaces in the park. Each space shall have only one vote.
  - (3) If a majority of the mobilehome owners fail to consent to the new capital improvement and the park owner can establish that the new capital improvement is reasonably necessary to protect the health or safety of the mobilehome owners or their property or to protect the infrastructure of the mobilehome park from physical damage or deterioration, the park owner may petition for a new capital improvement pass through under the procedures in Section 4-19.11 of this Ordinance.

#### **4-19.13. WAIVERS.**

- (a) Any waiver or purported waiver by a mobilehome resident of rights granted under this ordinance shall be void as contrary to public policy.
- (b) It shall be unlawful for a landlord to require or attempt to require, as a condition of tenancy in a mobilehome park, a mobilehome owner, mobilehome tenant, prospective mobilehome owner, or prospective mobilehome tenant to waive in a lease or rental agreement or in any other agreement the rights granted to a mobilehome resident by this ordinance.

- (c) It shall be unlawful for a landlord to deny or threaten to deny tenancy in a mobilehome park to any person on account of such person's refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a mobilehome resident by this ordinance.

**4-19.14. INFORMATION TO BE SUPPLIED BY THE PARK OWNER TO RESIDENTS AND PROSPECTIVE RESIDENTS.**

- (a) **Posting of Ordinance.** A copy of the ordinance codified in this ordinance shall be posted in the office of every mobilehome park and in the recreation building or clubhouse of every mobilehome park located in the City.
- (b) **Notice to Prospective Residents.** A copy of this ordinance shall be provided to every resident and to prospective residents of a mobilehome park in the City before the resident or prospective resident agrees to any rental agreement or lease.

**4-19.15. INFORMATION TO BE PROVIDED BY THE PARK OWNER TO PROSPECTIVE PARK PURCHASERS.**

A copy of this ordinance shall be shown to every prospective purchaser of a mobilehome park in the City before the prospective purchaser enters into an agreement to purchase the park.

**4-19.16. INFORMATION TO BE PROVIDED BY THE CITY TO MOBILEHOME OWNERS AND THE PUBLIC.**

- (a) Within thirty (30) days following the date this ordinance becoming effective, the City shall provide each mobilehome resident in the City with a copy of this ordinance. A copy of the ordinance, and other issues related to mobilehome park space rentals within the City, shall also be posted and maintained on the City's web page.

**4-19.17. RESIDENT REPRESENTATIVES.**

The residents of each mobilehome park in the City shall annually select by majority vote, a resident representative to receive all notices required by this ordinance. Each elected Representative shall also serve on the Citywide Mobilehome Owner/Mobilehome Park Owner Committee, in accordance with the terms of the Approved Long Term Lease Agreement/Supplement and Memorandum of Understanding as applicable. The residents shall advise the Mobilehome Rent Stabilization Administrator of the name, address, and

phone number of the elected resident representative in writing no later than January 31st of each year and shall promptly notify the Mobilehome Rent Stabilization Administrator of any change of representative. This provision is not intended to preclude the residents of any mobilehome park in the City from forming other organizations concerned with landlord-tenant matters or from associating for any purpose.

#### **4-19.18. RIGHTS OF PROSPECTIVE RESIDENTS.**

Any prospective resident must be offered the opportunity to enter into the Approved Long Term Lease Agreement. Prospective residents must also be provided the option of renting a mobilehome space in a manner which will permit the "resident-to-be" to receive the benefits of the Mobilehome Space Rent Stabilization Program which includes, but is not limited to, rental of a mobilehome space on a month-to-month basis. Such a person cannot be denied the option of a tenancy of twelve months or less in duration. The park owner shall provide each prospective resident with a photocopy of the written notification which is attached as Appendix B of this ordinance.

Any effort to circumvent the requirements of this section shall be unlawful.

#### **4-19.19. ANNUAL REGISTRATION AND OTHER NOTICES REQUIRED FROM OWNER.**

- (a) Due Date. Every mobilehome park owner shall file an annual registration statement on a form provided by the Mobilehome Rent Stabilization Administrator no later than February 1 of each year.
- (b) Contents of Registration Form. The initial registration shall include the name(s), business address(es), and business telephone number(s) of each person or legal entity possessing an ownership interest in the park and the nature of such interest; the number of mobilehome spaces within the park; a rent schedule reflecting space rents within the park; a listing of all other charges, including utilities not included in space rent, paid by mobilehome owners within the park and the approximate amount of each such charge; the name and address to which all required notices and correspondence may be sent, and other information required by the Mobilehome Rent Stabilization Administrator.
- (c) Certification of Registration Forms. All registration forms and any documentation accompanying any registration forms shall contain an affidavit or declaration, signed by the park owner or a designated agent, with his/her signature notarized, certifying that the information contained therein is true, correct, and complete.

- (c) Notice of Sale of a Park. Upon the sale or transfer of a mobilehome park, the seller or transferor shall notify the Mobilehome Rent Stabilization Administrator of the sale or transfer and of the name and address of the buyer or transferee. Within ten (10) days following the sale or transfer of a mobilehome park, the buyer or transferee shall register with the Mobilehome Rent Stabilization Administrator by providing the information required by this subsection."

**4-19.20. RETALIATION PROHIBITED.**

- (a) It shall be unlawful for any mobilehome park owner or landlord to evict a mobilehome resident where the mobilehome park owner or landlord's dominant motive in seeking to recover possession of the rental unit is:
  - (1) Retaliation for the mobilehome resident's organizing, petitioning government for rent relief, or exercising any right granted under this ordinance; or
  - (2) Evasion of the purposes of this ordinance.
- (b) It shall be unlawful for a mobilehome park owner or landlord to retaliate against a mobilehome resident for the resident's assertion or exercise of rights under this ordinance in any manner, including but not limited to:
  - (1) Threatening to bring or bringing an action to recover possession of a rental unit.
  - (2) Engaging in any form of harassment that causes the resident to quit the premises.
  - (3) Decreasing housing services.
  - (4) Increasing rent.
  - (5) Imposing or increasing a security deposit or other charge payable by the resident.

**4-19.21. EXCESSIVE RENTS OR DEMANDS FOR EXCESSIVE RENTS.**

- (a) It shall be unlawful for a mobilehome park owner or landlord to demand any rent in excess of the amounts specified in this ordinance during the period from the

filing of a timely petition to the date an administrative Hearing Board's decision approving such excess is rendered.

- (b) It shall be unlawful for a mobilehome park owner or landlord to demand, accept, receive or retain any rent in excess of the maximum rent allowed by the decision of an administrative Hearing Board under this chapter
- (c) It shall be unlawful for a mobilehome park owner or landlord to demand, accept, receive, or retain any rent in excess of the maximum rent allowed in this chapter.

**4-19.22. EXCESSIVE RENTS - CIVIL PENALTIES.**

- (a) If any person is found to have demanded, accepted, received, or retained any payment of rent:
  - (1) In excess of the maximum rent allowed by decision of an administrative Hearing Board under this ordinance, or
  - (2) In violation of the notice provisions of this chapter;
  - (3) In the form of a service reduction without a corresponding reduction in rent, or
  - (4) In violation of any other Section in this chapter.

Such person shall be liable to the mobilehome resident from whom such payment was demanded, accepted, received, or retained, for damages as determined by a court of competent jurisdiction.

- (b) In the event a mobilehome resident is the prevailing party in a civil action against a person found to have demanded, accepted, received, or retained any payment of rent described in subsection a), such mobilehome resident, in addition to damages as determined by the court pursuant to subsection a), may, in the discretion of the court, be awarded an amount not to exceed five hundred dollars or three times the damages determined by the court pursuant to subsection a), whichever is greater. For the purposes of this subsection, a mobilehome resident shall be deemed to be a prevailing party if the judgment is rendered in such mobilehome resident's favor or if the litigation is dismissed in such mobilehome resident's favor prior to final judgment, unless the parties otherwise agree in the settlement or compromise.

- (c) Remedies provided by this section are in addition to any other legal or equitable remedies available to the City, as well as to the residents and are not intended to be exclusive.

#### **4-19.23. RULES AND GUIDELINES.**

The Mobilehome Rent Stabilization Administrator may adopt rules and procedures to implement the applications, notices, registration, verification, hearing procedures and certification required by this ordinance, and for the review of rent increase applications and the conduct of hearings.

#### **4-19.24. ADMINISTRATIVE FEES.**

- (a) Administrative fees imposed for the purpose of reimbursement to the City's general fund the costs of providing and administering the administrative hearing process and other services established by this Ordinance may be adopted pursuant to Council Resolution.
- (b) The Mobilehome Rent Stabilization Administrator shall provide the City of Modesto with a recommendation regarding the amount of the fee that is necessary to recover the costs of administering this Ordinance as part of the City's annual budget process. The amount of the fee shall be set forth in the schedule of fees adopted by resolution of the City of Modesto. The fee shall not exceed the amount found by the City Council to be necessary to recover the costs of administering this chapter, and the City Council finding in this regard shall be final.
- (c) The mobilehome park owner shall pay any applicable fee to the City for all of the owner's rental spaces which are subject to this Ordinance on or before January 31 of each year.
- (d) The mobilehome park owner may pass the amount of the rental dispute fee to the resident of each space which is subject to the fee, provided that the amount of the pass through is set forth as a line item which is separate from the base rent.
- (e) Any mobilehome park owner who fails or refuses to pay any fee required under this chapter for a period of thirty (30) days from and after the date such fee is due shall, in addition to the fee, pay a penalty of twenty percent (20%) of the amount of the unpaid fee. The penalty shall be increased to fifty percent (50%) if the fee is not paid within ninety (90) days after the due date. A park owner must be provided with a thirty (30) day notice prior to becoming subject the penalties set

forth in this subsection. The notice shall be delivered by certified U.S. mail, postage prepaid and return receipt requested; U.S. mail delivery confirmation; U.S. mail signature confirmation; or such other delivery method that is reasonably calculated to provide actual notice to the park owner."

**4-19.25. AUTHORITY OF THE CITY COUNCIL TO BRING CIVIL ACTION TO COMPEL COMPLIANCE.**

In addition to any other remedy available by law, the City Council may institute a civil action to compel compliance with this Ordinance.

**4-19.26. SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed the Mobilehome Rent Stabilization Program codified in this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2007, by Councilmember Dunbar, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3451-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: None

APPROVED:



MAJOR JIM RIDENOUR

ATTEST:



JEAN MORRIS, City Clerk

Effective Date: October 4, 2007

ORDINANCE NO. 3452-C.S.

AN ORDINANCE AMENDING SECTION 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE 3 OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401.1 of Article 14 of

Chapter 2 of Title 3 of the Modesto Municipal Code is hereby amended to read as follows:

**3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.**

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BANGS AVENUE, between Dale Road and McHenry Avenue	45 miles per hour	January 2, 2007
BLUE GUM AVENUE, between Morse Road and Carpenter Road	35 miles per hour	March 19, 2003
BRIGGSMORE AVENUE, between Claus Road and Santa Fe Railroad Tracks	45 miles per hour	January 30, 2007
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	May 6, 2003
BRIGGSMORE AVENUE, between Tully Road and McHenry Avenue	45 miles per hour	September 2, 2004

BRIGGSMORE AVENUE, westbound between McHenry Avenue and Coffee Road	45 miles per hour	May 6, 2003
BRIGGSMORE AVENUE, eastbound between McHenry Avenue and Coffee Road	45 miles per hour	January 24, 2007
BRIGGSMORE AVENUE, between Coffee Road and Oakdale Road	50 miles per hour	May 6, 2003
BRIGGSMORE AVENUE, westbound and eastbound between Oakdale Road and Claus Road	50 miles her hour	December 5, 2006
BRIGGSMORE AVENUE, between Claus Road and Santa Fe Railroad Tracks	45 miles per hour	May 22, 2002
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	January 31, 2007
CALIFORNIA AVENUE, between Carpenter Road and Martin Luther King Drive	30 miles per hour	July 11, 2002
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue	40 miles per hour	February 21, 2003
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard	40 miles per hour	February 1, 2007
CARPENTER ROAD, between Maze Boulevard and Paradise Road	50 miles per hour	August 25, 2004
CARVER ROAD, between Bangs Avenue and Pelandale Avenue	35 miles per hour	December 5, 2006
CARVER ROAD, between Pelandale		

Avenue and Brixton Lane	30 miles per hour	December 5, 2006
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	30 miles per hour	December 7, 2006
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	December 6, 2006
CARVER ROAD, between Orangeburg Avenue and 9th Street	30 miles per hour	December 6, 2006
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	February 14, 2007
CLAUS ROAD, between Sylvan Avenue and Briggsmore Avenue	50 miles per hour	February 15, 2007
CLAUS ROAD, between Briggsmore Avenue and Scenic Drive	45 miles per hour	February 20, 2007
CLAUS ROAD, between Scenic Drive and Yosemite Boulevard	50 miles per hour	February 21, 2007
COFFEE ROAD, between Claratina Avenue and Sylvan Avenue	40 miles per hour	October 7, 2004
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue	40 miles per hour	February 26, 2003
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	40 miles per hour	May 7, 2003
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	40 miles per hour	February 21, 2003
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	February 21, 2003
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	February 21, 2003

COLLEGE AVENUE, between Princeton Avenue and Needham Avenue	25 miles per hour	February 21, 2003
CREEKWOOD DRIVE, between Claus Road and Yosemite Boulevard	35 miles per hour	May 7, 2003
CROWS LANDING ROAD, between 7th Street and Hatch Road	35 miles per hour	May 7, 2003
CROWS LANDING ROAD, between Hatch Road and Whitmore Avenue	35 miles per hour	May 7, 2003
DALE ROAD, northbound and southbound, between Bangs Avenue and Kiernan Avenue	40 miles per hour	October 13, 2006
DALE ROAD, between Bangs Avenue and Snyder Avenue	35 miles per hour	February 27, 2007
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	February 28, 2007
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	March 1, 2007
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	June 18, 2002
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	40 miles per hour	May 7, 2003
EMERALD AVENUE, between Maze Boulevard and California Avenue	30 miles per hour	May 28, 2002
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	March 6, 2007

FLOYD AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	March 13, 2007
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 14, 2007
FLOYD AVENUE, eastbound and westbound, between Oakdale Road and Roselle Avenue	35 miles per hour	January 9, 2007
FLOYD AVENUE, between Roselle Avenue and Fine Avenue	35 miles per hour	March 15, 2007
FLOYD AVENUE, eastbound and westbound, between Fine Avenue and Claus Road	35 miles per hour	October 12, 2006
GRANGER AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	May 6, 2003
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	May 6, 2003
HATCH ROAD, between Carpenter Road and Crows Landing Road	45 miles per hour	March 21, 2007
JEFFERSON STREET, between Maze Boulevard and Paradise Road	30 miles per hour	February 19, 2004
KANSAS AVENUE, between Morse Road and Rosemore Avenue	40 miles per hour	May 6, 2003
KANSAS AVENUE, between Rosemore Avenue and Carpenter Road	40 miles per hour	May 6, 2003
KANSAS AVENUE, between Carpenter Road and Emerald Avenue	35 miles per hour	May 6, 2003

KANSAS AVENUE, between Emerald Avenue and Ninth Street	35 miles per hour	May 6, 2003
LA LOMA AVENUE, between Burney Street and Yosemite Boulevard	30 miles per hour	March 22, 2007
LAKEWOOD AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	February 26, 2003
LINCOLN AVENUE, between Dry Creek and Yosemite Boulevard	35 miles per hour	March 27, 2007
MABLE AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 28, 2007
MARTIN LUTHER KING DRIVE, between Maze Boulevard and Paradise Road	30 miles per hour	March 29, 2007
MERLE AVENUE, between Oakdale Road and Roselle Avenue	30 miles per hour	February 26, 2003
MERLE AVENUE, between Roselle Avenue and Claus Road	35 miles per hour	May 13, 2003
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	May 7, 2003
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	May 7, 2003
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	April 30, 2007
MORSE ROAD, between Blue Gum Avenue and Kansas Avenue	40 miles per hour	April 4, 2007
MT. VERNON DRIVE, between Prescott Road and College Avenue	30 miles per hour	August 25, 2004
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	April 17, 2007

NEEDHAM STREET, between 9th Street and L Street	35 miles per hour	April 18, 2007
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 6, 2003
OAKDALE ROAD, between 1300 feet north of Mable Avenue and Sylvan Avenue	45 miles per hour	April 19, 2007
OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue	45 miles per hour	April 24, 2007
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	40 miles per hour	May 7, 2003
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	40 miles per hour	May 7, 2003
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	35 miles per hour	April 25, 2007
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	40 miles per hour	April 26, 2007
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	May 1, 2007
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	May 2, 2007
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	May 3, 2007
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	May 8, 2007

PARADISE ROAD, between Carpenter Road and Martin Luther King Drive	35 miles per hour	May 9, 2007
PARADISE ROAD, between Martin Luther King Drive and Washington Street	30 miles per hour	May 10, 2007
PELANDALE AVENUE, between Sisk Road and Dale Road	45 miles per hour	November 30, 2006
PELANDALE AVENUE, between Dale Road and McHenry Avenue	50 miles per hour	November 30, 2006
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	40 miles per hour	May 15, 2007
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	40 miles per hour	May 16, 2007
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	May 17, 2007
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	30 miles per hour	May 22, 2007
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	May 24, 2007
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	30 miles per hour	May 30, 2007
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	June 13, 2002
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 24, 2002

ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	June 13, 2002
ROSELLE AVENUE, between Sylvan Avenue and Floyd Avenue	40 miles per hour	February 26, 2003
ROSELLE AVENUE, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	November 4, 2000
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue	35 miles per hour	April 18, 2007
ROUSE AVENUE, between Colorado Avenue and Neece Drive	30 miles per hour	June 13, 2002
RUMBLE ROAD, between Sisk Road and Conant Avenue	30 miles per hour	May 17, 2002
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	May 17, 2002
RUMBLE ROAD, between Tully Road and McHenry Avenue	30 miles per hour	May 17, 2002
RUMBLE ROAD, between McHenry Avenue and Coffee Road	30 miles per hour	May 17, 2002
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive	30 miles per hour	November 4, 2000
SCENIC DRIVE, between Burney Street and Coffee Road	35 miles per hour	June 17, 2002
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	June 17, 2002

SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	40 miles per hour	June 17, 2002
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	40 miles per hour	June 17, 2002
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	June 17, 2002
SIERRA DRIVE, between G Street and 7th Street	25 miles per hour	January 23, 2004
SISK ROAD, between Pelandale Avenue and Standiford Avenue	40 miles per hour	November 28, 2006
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	November 29, 2006
SNYDER AVENUE, between Dale Road and Prescott Road	30 miles per hour	May 16, 2002
SNYDER AVENUE, between Prescott Road and Tully Road	30 miles per hour	May 16, 2002
STANDIFORD AVENUE, between Sisk Road and Prescott Road	45 miles per hour	May 13, 2003
STANDIFORD AVENUE, between Prescott Road and Tully Road	40 miles per hour	August 29, 2000
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	May 7, 2003
SUNRISE AVENUE, between Floyd Avenue and Lucern Avenue	30 miles per hour	May 24, 2002
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	May 7, 2003
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	May 7, 2003

SYLVAN AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 7, 2001
SYLVAN AVENUE, between Oakdale Road and Roselle Avenue	40 miles per hour	February 27, 2003
SYLVAN AVENUE, between Roselle Avenue and Claus Road	45 miles per hour	February 27, 2003
TENAYA DRIVE, between Empire Avenue and the easterly city limit on Tenaya Drive	30 miles per hour	June 18, 2002
TULLY ROAD, between Bangs Avenue and Standiford Avenue	45 miles per hour	May 21, 2002
TULLY ROAD, between Standiford Avenue and Briggsmore Avenue	35 miles per hour	May 21, 2002
TULLY ROAD, between Briggsmore Avenue and Coldwell Avenue	35 miles per hour	June 13, 2002
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	May 28, 2002
UNION AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	August 29, 2000
VENEMAN AVENUE, between Dale Road and Regency Park Drive	30 miles per hour	July 10, 2002
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	May 24, 2002
WHITMORE AVENUE, between Ustick Road and Crows Landing Road	45 miles per hour	June 18, 2002

WHITMORE AVENUE, between Crows Landing Road and Morgan Road	40 miles per hour	June 18, 2002
WOODLAND AVENUE, between Morse Road and Carpenter Road	30 miles per hour	July 11, 2002
WOODLAND AVENUE, between Carpenter Road and 9th Street	30 miles per hour	June 13, 2002
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 21, 2002
5TH STREET, between L Street and Sierra Drive	25 miles per hour	May 28, 2002
6TH STREET, between M Street and Sierra Drive	30 miles per hour	May 28, 2002
7TH STREET BRIDGE, between B Street and River Road	30 miles per hour	August 30, 2000
9TH STREET, between Carpenter Road and Tully Road	45 miles per hour	June 13, 2002
9TH STREET, between Tully Road and L Street	35 miles per hour	May 23, 2002
9TH STREET, between D Street and Morton Boulevard	30 miles per hour	November 4, 2000

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the

City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3452-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of September, 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

APPROVED:

  
MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: October 11, 2007

ORDINANCE NO. 3453-C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.601, 10-2.602, 10-2.603, 10-2.606, 10-2.609, 10-2.701, 10-2.702, 10-2.703, 10-2.706, 10-2.708, 10-2.709, 10-2.901, 10-2.904, 10-2.1201, AND 10-2.1204 OF TITLE 10 OF THE MODESTO MUNICIPAL CODE; ADDING SECTION 10-2.214.1, THERETO; AND AMENDING ARTICLE 19 OF CHAPTER 2 OF TITLE 10 RELATING TO PLANNING AND ZONING.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 10-2.601, 10-2.602, 10-2.603, 10-2.606, 10-2.609, 10-2.701, 10-2.702, 10-2.703, 10-2.706, 10-2.708, 10-2.709, 10-2.901, 10-2.904, 10-2.1201, and 10-2.1204 of Title 10 of the Modesto Municipal Code are hereby amended to read as follows:

**10-2.601. PURPOSE AND INTENT.**

The purposes of the R-2 Zone are to:

- (a) Implement General Plan policy by encouraging the development of medium density residential areas throughout the urban area.
- (b) Implement the policies of the Housing Element of the General Plan by providing areas specifically for the purpose of medium density residential housing.
- (c) Establish a density zone where the number of units to be developed are related to the lot area.
- (d) Provide for and encourage the creation of multi-family developments with on-site management to enhance the long-term viability and sustainability of such projects.
- (e) Impose conditions on development to protect property from unreasonable obstruction of light, sun and air and to provide privacy between dwelling units.

**10-2.602. PERMITTED USES.**

The following are permitted uses:

- (a) Any permitted use in the R-1 Zone, including lodging, boarding or twenty-four-hour care where there are two (2) dwelling units on a lot.
- (b) Multiple-family dwellings, subject to the provisions of Section 10-2.603.

**10-2.603. PLOT PLAN USES.**

The following uses are permitted upon securing a plot plan approval:

- (a) Any development of five (5) or more dwelling units shall be subject to plot plan approval by the Commission.
- (b) Any development consisting of two (2) or more residential buildings per lot up to and including four (4) dwelling units shall be subject to plot plan approval by the Director.
- (c) Any development of residential uses taking vehicular access to a collector or major street. An additional purpose of the plot plan review is to encourage the combining of driveways among parcels and designing parking spaces and driveways so that vehicles can enter the street in a forward manner.
  - (1) Plot plan approval by the Planning Commission shall occur at the time of consideration of approval of a tentative subdivision or parcel map.
  - (2) Plot plan approval by the Director shall occur for any development of up to four (4) dwelling units that are not subject to subdivision or parcel map approval.
- (d) A two-story portion of a residential building located less than forty (40) feet from and adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be subject to plot plan approval by the Director for four (4) or fewer dwelling units and by the Commission for five (5) or more dwelling units in accordance with Section 10-2.606.
- (e) Unattended containers placed for the donation of recyclable paper or beverage containers, not exceeding fifty (50) square feet per installation,

in conjunction with and on the same site as a church, school, or governmental use shall be subject to plot plan approval by the Board.

**10-2.606. HEIGHT.**

- (a) No structure shall exceed two (2) stories or thirty (30) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet, except when permitted by a conditional use permit for structures occupied by the following uses: church, building or facility operated by a governmental agency, building or facility operated by a utility company.
- (b) On property containing four (4) units or less, any second-story portion of any dwelling or accessory building, including additions or alterations to the exterior portions of an existing dwelling or accessory building, shall be subject to plot plan approval by the Director or designee in accordance with Article 27. All plot plan reviews by Director or Commission for structures which include a second-story component shall include the following considerations:
  - (1) The relationship of second-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of the neighbors.
  - (2) The relationship of building mass with the neighbors' views and use and enjoyment of their yards.
  - (3) The relationship of building mass with the neighbors' accessories such as solar collectors and satellite antennas.

**10-2.609. AREA AND DENSITY.**

- (a) Every lot created after October 25, 2007 shall have a minimum area of sixty-four thousand (64,000) square feet
- (b) One (1) dwelling unit shall be permitted for each three thousand (3,000) square feet of lot area (maximum density 14.5 dwelling units per net acre).
- (c) A minimum of one (1) dwelling unit per four thousand (4,000) square feet (minimum density 10.9 dwelling units per net acre) unless the applicant demonstrates and the Planning Commission makes the following findings:

- (1) The proposed development is on an existing lot created prior to October 25, 2007 where the proposed lot cannot accommodate a development of the minimum density due to configuration of existing buildings or shape or size of the lot, or
- (2) A lower density will not adversely affect the City's ability to accommodate and provide its remaining share of the regional housing needs assigned by StanCOG for very-low and low-income households based on the remaining acreage of Medium Density Residential (R-2) zoned land at the time of application, provided, that if an adverse impact as described could otherwise occur, that such impact will be mitigated by one of the following means:
  - (i) An equivalent parcel of land of the same or greater acreage is provided by the applicant and rezoned to the same or greater density simultaneously, or
  - (ii) The applicant agrees to construct and covenant for affordable units on the subject site or another site in a number sufficient to ensure no net loss of units based on the minimum density set forth herein.

**10-2.701. PURPOSE AND INTENT.**

The purposes of the R-3 Zone are to:

- (a) Implement General Plan policy by encouraging the development of medium high density residential areas throughout the urban area.
- (b) Implement the policies of the Housing Element of the General Plan by providing areas specifically for the purpose of medium high density multi-family residential housing.
- (c) Provide for and encourage the creation of multi-family developments with on-site management to enhance the long-term viability and sustainability of such projects.
- (d) Encourage a wide variety and density of housing in Modesto.
- (e) Impose conditions on development to protect property from unreasonable obstruction of light, sun and air and to provide privacy between dwelling units.

**10-2.702. PERMITTED USES.**

The following are permitted uses:

- (a) Any permitted use in the R-2 Zone, subject to the provisions of Section 10-2.703.
- (b) Boarding house.
- (c) Lodging house.

**10-2.703. PLOT PLAN USES.**

The following uses are permitted upon securing plot plan approval:

- (a) Any development of five (5) or more dwelling units shall be subject to plot plan approval by the Commission.
- (b) Any development consisting of two (2) or more residential buildings per lot up to and including four (4) dwelling units shall be subject to plot plan approval by the Director.
- (c) Any development of residential uses taking vehicular access to a collector or major street. An additional purpose of the plot plan review is to encourage the combining of driveways among parcels and designing parking spaces and driveways so that vehicles can enter the street in a forward manner.
  - (1) Plot plan approval by the Planning Commission shall occur at the time of consideration of approval of a tentative subdivision or parcel map.
  - (2) Plot plan approval by the Director shall occur for any development of up to four (4) dwelling units that are not subject to subdivision or parcel map approval.
- (d) A two-story portion of a residential building located less than forty (40) feet from and adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be subject to plot plan approval by the Director for four (4) or fewer dwelling units and by the Commission for five (5) or more dwelling units in accordance with Section 10-2.706.

- (e) Unattended containers placed for the donation of recyclable paper or beverage containers, not exceeding fifty (50) square feet per installation, in conjunction with and on the same site as a church, school, or governmental use shall be subject to plot plan approval by the Board.

**10-2.706. HEIGHT.**

- (a) No structure shall exceed three (3) stories or forty-two (42) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet, except when permitted by a conditional use permit for structures occupied by the following uses: church, building or facility operated by a governmental agency, building or facility operated by a utility company.
- (b) All plot plan reviews by Director or Commission for structures which include a second or third-story component shall include the following considerations:
  - (1) The relationship of the second or third-story windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of neighbors.
  - (2) The relationship of building mass with neighbors' views and use and enjoyment of their yards.
  - (3) The relationship of building mass with neighbors' accessories such as solar collectors and satellite antennas.

**10-2.708. SIDE AND REAR YARDS.**

- (a) For any one-story building or portion of a building, side and rear yards shall be five (5) feet.
- (b) The minimum side or rear yard for any two or three-story portion of a residential building not adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be ten (10) feet.
- (c) The minimum side or rear yard for any two or three-story portion of a residential building adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be forty (40) feet. This setback for two-story portions of the building may be reduced to a minimum of ten (10) feet by plot plan approval by the Commission as long as the applicant

demonstrates and the Commission concurs that compatibility with adjacent properties is maintained. In considering compatibility, Commission shall be guided by the criteria set forth in Section 10-2.706(b).

**10-2.709. AREA AND DENSITY.**

- (a) Every lot created after October 25, 2007 shall have a minimum area of three (3) acres (one hundred thirty thousand six hundred eighty (130,680) square feet).
- (b) Three (3) dwelling units shall be permitted for the first six thousand (6,000) square feet. One dwelling unit shall be permitted for each fifteen hundred (1,500) square feet over the required area for three (3) dwelling units (maximum density 29.0 dwelling units per net acre).
- (c) A minimum of one (1) dwelling unit per two thousand (2,000) square feet (minimum density 21.8 dwelling units per net acre) unless the applicant demonstrates and the Planning Commission makes the following findings:
  - (1) The proposed development is on an existing lot created prior to October 25, 2007 where the proposed lot cannot accommodate a development of the minimum density due to configuration of existing buildings or shape or size of the lot, or
  - (2) A lower density will not adversely affect the City's ability to accommodate and provide its remaining share of the regional housing needs assigned by StanCOG for very-low and low-income households based on the remaining acreage of Medium-High Density Residential (R-3) zoned land at the time of application, provided, that if an adverse impact as described could otherwise occur, that such impact will be mitigated by one of the following means:
    - (i) An equivalent parcel of land of the same or greater acreage is provided by the applicant and rezoned to the same or greater density simultaneously, or
    - (ii) The applicant agrees to construct and covenant for affordable units on the subject site or another site in a number sufficient to ensure no net loss of units based on the minimum density set forth herein.

**10-2.901. PURPOSE AND INTENT.**

The purposes of the P-O Zone are:

- (a) To provide a location for business and professional offices, institutions and related services on collector and major streets, adjacent to related centers of activity like a hospital, shopping center or downtown commercial area.
- (b) To provide a zone for nonresidential uses of a less intensive nature than allowed in commercial zones adjacent to residential areas. Compatibility is ensured through development standards which are noncommercial in nature.
- (c) To promote the purposes of the Housing Element of the General Plan by allowing for the mixture of multi-family residential uses in office-zoned areas.

**10-2.904. PLOT PLAN USES BY COMMISSION.**

The following uses are allowed upon securing plot plan approval by the Commission:

- (a) Multiple-family dwellings, density as specified in the R-3 zone. Multi-family dwelling use shall be subject to the development standards of the R-3 zone, and the Commission shall be guided by the standards of the R-3 zone in considering any plot plan for such use.

**10-2.1201. PURPOSE AND INTENT.**

The purposes of the C-3 Zone are to:

- (a) Permit varied uses of property on major streets which are important intercity transportation links, including multi-family residential uses in support of the policies of the Housing Element of the General Plan.
- (b) Promote a free traffic flow on major thoroughfares.
- (c) Assure compatibility among the uses along major thoroughfares and with existing and future uses in adjacent zones.

- (d) Supply an area for the conduct of:
  - (1) Retail, service, and institutional uses not ordinarily found in shopping centers.
  - (2) Uses generally dependent on a regional, rather than a local population for their support.
  - (3) Uses requiring a large land area for successful operation.
- (e) Encourage development of open, uncrowded, and attractive projects that will enhance major thoroughfares.

**10-2.1204. PLOT PLAN USES BY COMMISSION.**

The following uses are allowed upon securing plot plan approval by the Commission:

- (a) Multiple-family dwellings, density as specified in the R-3 zone. Multi-family dwelling use shall be subject to the development standards of the R-3 zone and the Commission shall be guided by the standards of the R-3 zone in considering any plot plan for such use.
- (b) Accessory commercial services to serve residents of a permitted residential development.

SECTION 2. AMENDMENT OF CODE. Section 10-2.214.1 is hereby added to

Title 10 to read as follows:

**10-2.214.1. DENSITY (NET RESIDENTIAL).**

The number of dwelling units per acre are developable land exclusive of public and private streets.

SECTION 3. AMENDMENT OF CODE. Article 19 of Chapter 2 of Title 10 of the Modesto Municipal Code is hereby amended to read as follows:

**ARTICLE 19. SPECIFIC PLAN (SP) ZONE**

**10-2.1901. PURPOSE AND INTENT.**

Specific plans are established to enable land to be planned and developed as coordinated, comprehensive projects providing for systematic implementation of the General Plan, and provide a means to plan for specific areas, providing land use pattern, development standards, design guidelines, and development processes for these areas. The purpose and intent of the SP Zone is to permit various land uses including residential, industrial, and commercial development through Specific Plans, pursuant to Government Code Section 65450, et seq. The intent of this is to implement policies regarding certain uses, standards, and development review processes adopted through the Specific Plan process.

**10-2.1902. APPLICATION OF THE SP ZONE.**

The SP Zone shall be applied on the zoning map, in the manner specified by, and appropriate to, the relevant Specific Plan which it is intended to implement. Once the SP Zone is applied to the zoning map, the general public shall be guided to the appropriate Specific Plan, which shall determine the means to comply with the SP Zone.

**10-2.1903. EFFECT OF THE SP ZONE.**

Once property is rezoned to an SP Zone all subsequent development shall comply with the uses, standards, and development review procedures of the adopted Specific Plan, including all implementation actions thereof.

**10-2.1904. USE OF "PRINCIPAL UNDERLYING ZONES".**

In those instances where adopted Specific Plans provide for principal underlying zones to be adopted when property is rezoned to an SP Zone with principal underlying zoning, all subsequent development shall comply with the uses, standards, and development review procedures of the principal underlying zone, the SP Zone, and the adopted Specific Plan, including all implementation actions thereof. In the event of a conflict between the uses, standards, and development review processes of the principal underlying zoning (such as R-1, R-2, R-3, C-1, etc.) and those of an adopted Specific Plan, those of the Specific Plan and its subsequent implementation policies, procedures and standards shall prevail.

**10-2.1905. USES, STANDARDS, AND DEVELOPMENT REVIEW PROCEDURES MAY BE MODIFIED THROUGH THE SP ZONE.**

The SP Zone shall serve as an indicator to the general public that development standards of the principal underlying zones have been modified through the

adoption of a Specific Plan and/or through subsequent implementation actions consistent with the Specific Plan.

**10-2.1906. ADOPTION AND AMENDMENT OF SPECIFIC PLANS.**

Procedures for adoption and amendment of Specific plans shall be as established by California Government Code Section 65450 et seq.

**10-2.1907. SPECIFIC PLAN FORMAT AND CONTENT/PROCESS FOR PREPARATION.**

Preparation of Specific Plans, their format and content, shall be in accordance with Specific Plan Preparation Guidelines as established by the City Council by resolution from time to time.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of September, 2007, by Councilmember Marsh, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, Olsen, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: O'Bryant

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3453-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: October 25, 2007



ORDINANCE NO. 3454-C.S.

AN ORDINANCE OF THE CITY OF MODESTO, CALIFORNIA,  
ELIMINATING AND AMENDING CERTAIN TIME LIMITATIONS  
WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE  
MODESTO REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Modesto, California (the "City Council"), adopted Ordinance No. 2203-C.S. on July 12, 1983, approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") pertaining to the "Original Project Area"; Ordinance No. 2269-C.S. on June 19, 1984, amending the Redevelopment Plan; and Ordinance No. 2793-C.S. on November 5, 1991, approving and adoption an Amended Redevelopment Plan, and adding certain area (the "Added Area") to the Project Area; and

WHEREAS, because the Added Area includes certain areas located within the unincorporated area of the County, the Board of Supervisors of the County of Stanislaus adopted Ordinance No. C.S. 454 on November 19, 1991, approving and adopting the Amended Redevelopment Plan; and

WHEREAS, on November 22, 1994, the City Council adopted Ordinance No. 2931-C.S. ("City Ordinance No. 2931-C.S."), and on December 20, 1994, the Board of Supervisors adopted Ordinance No. C.S. 580 ("County Ordinance No. C.S. 580"), establishing and amending certain limitations with respect to the Redevelopment Plan; and

WHEREAS, the Redevelopment Agency of the City of Modesto, California (the "Agency"), has been designated as the official redevelopment agency in the City of Modesto to carry out the functions and requirements of the Community Redevelopment Law of the State of

California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Health and Safety Code was amended by SB 211, which took effect on January 1, 2002, which authorizes redevelopment agencies to eliminate the time limit on the establishment of loans, advances and indebtedness contained in redevelopment plans; and

WHEREAS, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in Stanislaus County's Educational Revenue Augmentation Fund (an "ERAF Payment"); and

WHEREAS, Section 33333.6 of the Health and Safety Code was amended by SB 1045 to add subsection (e)(2)(C), which provided that when an agency is required to make a payment pursuant to Section 33681.9, the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit to repay indebtedness; and

WHEREAS, Section 33681.12 of the Health and Safety Code, which was added by SB 1096 and took effect on September 5, 2004, required the Agency to make ERAF Payments during the 2004-05 and the 2005-06 fiscal years; and

WHEREAS, Section 33333.6 of the Health and Safety Code was further amended by SB 1096 to add subsection (e)(2)(D) to provide that when an agency is required to make an ERAF Payment pursuant to Section 33681.12 (for fiscal years 2004-05 and 2005-06), the legislative

body may, under certain conditions, amend the redevelopment plan by ordinance to extend the time limit on the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness by one year for each year the Agency makes such a payment; and

WHEREAS, pursuant to Health and Safety Code Sections 33681.9 and 33681.12 the Agency was and is required to make an ERAF payment for the fiscal years 2003-04, 2004-05 and 2005-2006; and

WHEREAS, the existing time limit on the effectiveness of the Redevelopment Plan for the Original Project Area, as set forth in Section 800 of the Redevelopment Plan, and as previously amended by City Ordinance No. 2931-C.S. and County Ordinance No. C.S. 580, is July 12, 2023, with respect to the Original Project Area, and November 5, 2031, with respect to the Added Area (40 years from the date of adoption of each of the respective areas), and the existing time limit on the receipt of tax increment and repayment of indebtedness, established by City Ordinance No. 2931-C.S. and County Ordinance No. C.S. 580, is July 12, 2033, with respect to the Original Project Area, and November 5, 2041, with respect to the Added Area (10 years from the termination of the effectiveness of the Redevelopment Plan as it applies to each area);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Redevelopment Plan for the Modesto Redevelopment Project, as previously amended as set forth above, is hereby further amended to eliminate the time limit on the establishment of loans, advances, and indebtedness (which time limit is contained in the last

paragraph of Section 502 of the Redevelopment Plan and was previously amended by City Ordinance No. 2931-C.S. and County Ordinance No. C.S. 580).

Section 2. A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan, as set forth in Section 800 of the Redevelopment Plan, and as previously amended by City Ordinance No. 2931-C.S. and County Ordinance No. C.S. 580, currently scheduled to terminate on July 12, 2023 with the respect to the Original Project Area, and November 5, 2031, with respect to the Added Area, shall be extended by one year. Based upon such extension, the effectiveness of the Redevelopment Plan shall terminate on July 12, 2024 with respect to the Original Project Area, and November 5, 2032, with respect to the Added Area.

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination dates established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 12, 2034, with respect to the Original Project Area, and November 5, 2042 with respect to the Added Area; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after the dates established above to repay such debt accordingly.

Section 3. A. The City Council hereby finds that funds used to make a payment to the Stanislaus County's Educational Revenue Augmentation Fund pursuant to Health and Safety Code Section 33681.12 for the 2004-05 fiscal year for the Modesto Redevelopment Project would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

B. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payment for fiscal year 2004-05, the time limit on the effectiveness of the Redevelopment Plan with respect to the Original Project Area, as set forth in Section 800 of the Redevelopment Plan (as previously amended by City Ordinance No. 2931-C.S., and as further amended by Subsection 2.A. of this Ordinance) shall be extended by one year. Based upon such extension, the effectiveness of the Redevelopment Plan shall terminate on July 12, 2025, with respect to the Original Project Area. The time limit currently existing for the Added Area does not meet the conditions set forth in Section 33333.6(e)(2)(D), and therefore is not eligible for the extension provided for under this Section 3.B.

C. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes with respect to the Original Project Area pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 3.B. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 12, 2035, with respect to the Original Project Area; provided, however, that any loans or other indebtedness

approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after July 12, 2035, to repay such debt accordingly.

D. In extending the time limits as set forth in Subsections 3.B. and 3.C. of this Ordinance, the City Council makes the following findings with respect to the Redevelopment Project:

(1) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(2) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(3) The Agency is in compliance with all applicable provisions of Health and Safety Code Section 33413.

(4) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12(e) for failure to expend, encumber, or disburse any excess surplus.

Section 4. A. The City Council hereby finds that funds used to make a payment to the Stanislaus County's Educational Revenue Augmentation Fund pursuant to Health and Safety Code Section 33681.12 for the 2005-06 fiscal year for the Modesto Redevelopment Project would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

B. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payment for fiscal year 2005-06, the time limit on the effectiveness of the Redevelopment Plan with respect to the Original Project Area, as set forth in Section 800 of the Redevelopment Plan (as previously amended by City Ordinance No. 2931-C.S., and as further amended by Subsections 2.A. and 3.B. of this Ordinance) shall be extended by one year. Based upon such extension, the effectiveness of the Redevelopment Plan shall terminate on July 12, 2026, with respect to the Original Project Area. The time limit currently existing for the Added Area does not meet the conditions set forth in Section 33333.6(e)(2)(D), and therefore is not eligible for the extension provided for under this Section 4.B

C. In accordance with Subsection 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes with respect to the Original Project Area pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 4.B. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 12, 2036, with respect to the Original Project Area; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after July 12, 2036, to repay such debt accordingly.

D. In extending the time limits as set forth in Subsections 4.B. and 4.C. of this Ordinance, the City Council makes the following findings with respect to the Redevelopment Project:

(1) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(2) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(3) The Agency is in compliance with all applicable provisions of Health and Safety Code Section 33413.

(4) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12(e) for failure to expend, encumber, or disburse any excess surplus.

Section 5. City Council Ordinance Nos. 2203-C.S., 2269-C.S., 2793-C.S. and 2931-C.S. are continued in full force and effect except as amended by this Ordinance.

Section 6. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

Section 7. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 8. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of Modesto, California, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Modesto, and it will take effect thirty (30) days after its final passage.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September 2007, by Councilmember Keating, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant, Olsen, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Marsh

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3454-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of October 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: \_\_\_\_\_

  
MAYOR JIM RIDENOUR

ATTEST: \_\_\_\_\_

  
JEAN MORRIS, City Clerk

Effective Date: November 1, 2007

ORDINANCE NO. 3455-C.S.

AN ORDINANCE OF THE CITY OF MODESTO, CALIFORNIA  
CONFIRMING THAT THE REDEVELOPMENT AGENCY'S  
PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT  
DOMAIN IN THE MODESTO REDEVELOPMENT PROJECT HAS  
EXPIRED AND IS NO LONGER IN EFFECT

WHEREAS, the City Council of the City of Modesto, California (the "City Council"), adopted Ordinance No. 2203-C.S. on July 12, 1983, approving and adopting the Redevelopment Plan (the "Original Redevelopment Plan") for the Modesto Redevelopment Project (the "Project") pertaining to the "Original Project Area"; Ordinance No. 2269-C.S. on June 19, 1984, amending the Original Redevelopment Plan; and Ordinance No. 2793-C.S. on November 5, 1991, approving and adopting an Amended Redevelopment Plan (the "Redevelopment Plan"), which replaced the Original Redevelopment Plan and added certain area (the "Added Area") to the Project Area; and

WHEREAS, because the Added Area includes certain areas located within the unincorporated area of the County, the Board of Supervisors of the County of Stanislaus adopted Ordinance No. C.S. 454 on November 19, 1991, approving and adopting the Redevelopment Plan; and

WHEREAS, on November 22, 1994, the City Council adopted Ordinance No. 2931-C.S., and on December 20, 1994, the Board of Supervisors adopted Ordinance No. C.S. 580, establishing and amending certain limitations with respect to the Redevelopment Plan; and

WHEREAS, concurrently with the adoption of this Ordinance, the City Council will consider adoption of an Ordinance to eliminate and amend certain time limitations with respect to the Redevelopment Plan; and

WHEREAS, the Redevelopment Agency of the City of Modesto ("Agency") has been designated as the official redevelopment agency in the City of Modesto to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan, as amended; and

WHEREAS, Section 33342.7 of the Health and Safety Code, which was added by Senate Bill 53 ("SB 53"), which took effect on January 1, 2007, requires a legislative body that adopted a redevelopment plan containing eminent domain authority before January 1, 2007, to adopt an ordinance containing a description of the agency's program to acquire real property by eminent domain; and

WHEREAS, Section 308 of the Redevelopment Plan, as adopted in 1991, provided the Agency with the authority to acquire property by eminent domain, however, that authority expired in 2003, twelve (12) years from the date of adoption of the Redevelopment Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 33342.7 of the Health and Safety Code, the following is a description of the Agency's program to acquire real property by eminent domain:

The Agency's authority to acquire real property by eminent domain, as set forth in Section 308 of the Redevelopment Plan, has expired and is no longer in force and effect. The Agency's authority to acquire real property by eminent domain may be reinstated only by amending the Redevelopment Plan pursuant to Article 12 of the Community Redevelopment Law (commencing with Health and Safety Code Section 33450).

Section 2. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.


Section 3. The City Clerk, in cooperation with the Agency Secretary, is hereby directed to record with the County Recorder of Stanislaus County a revised notice of the approval and adoption of the Redevelopment Plan, including a description of the Agency's program to acquire real property by eminent domain, as set forth above, in compliance with Health and Safety Code Section 33373.

Section 4. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 5. The City Clerk will certify to the passage of this Ordinance by the City Council, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Modesto and County of Stanislaus and it will take effect thirty (30) days after its final passage.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September 2007, by Councilmember Keating, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, O'Bryant, Olsen, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Marsh

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

By:   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3455-C.S.

FINAL ADOPTION CLAUSE

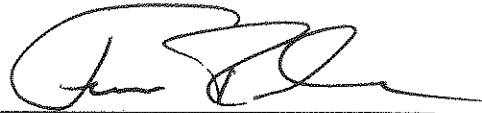
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of October 2007, Councilmember Hawn moved its final adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: \_\_\_\_\_



MAYOR JIM RIDENOUR

ATTEST: \_\_\_\_\_

  
JEAN MORRIS, City Clerk

Effective Date: November 1, 2007



ORDINANCE NO. 3456-C.S.

ORDINANCE AUTHORIZING THE LEVY OF SPECIAL  
TAXES WITHIN CITY OF MODESTO COMMUNITY  
FACILITIES DISTRICT NO. 2007-2 (KIERNAN BUSINESS  
PARK WEST)

The Council of the City of Modesto does ordain as follows:

WHEREAS, the City Council of the City of Modesto, (the "Council"), did, on August 14, 2007, adopt its Resolution No. 2007-484 (the "Resolution of Intention to Establish the District") stating its intention to form City of Modesto Community Facilities District No. 2007-2 of the City of Modesto (the "District") pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, notice was published as required by law relative to the intention of this Council to form the District; and

WHEREAS, this Council held the noticed public hearings as required by law to determine whether it should proceed with the formation of the District and authorize, subject to a vote of the qualified electors, the levy of the special taxes within the District to pay for the Facilities, to pay any authorized costs and expenses related thereto, and to pay for certain services (the "Services"), all as described in the Resolution of Intention to Establish the District and

WHEREAS, at the hearings all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special taxes and all other matters set forth in the Resolution of Intention to Establish the District were heard and considered and full and fair hearings were held thereon; and

WHEREAS, following the hearings, this Council did, on October 2, 2007, adopt its Resolution No. 2007-583 (the "Resolution of Formation") which established the District, determined the validity of prior proceedings relative to the formation of the District, authorized the levy of the special taxes within the District subject to the vote of the qualified electors and called an election within the District for October 2, 2007, on the propositions of levying the special taxes and establishing an appropriations limit for the District, and

WHEREAS, on October 2, 2007, in accordance with the Resolution of Formation, a consolidated election was held within the District at which the qualified electors approved by more than a two-thirds vote the propositions of levying the special taxes and establishing the appropriations limit,

NOW, THEREFORE, the City Council of the City of Modesto DOES ORDAIN as follows:

SECTION 1. The above recitals are true and correct and this Council so finds and determines.

SECTION 2. By the passage of this Ordinance, this Council authorizes and levies the special taxes within the District pursuant to Sections 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in Exhibit A hereto (the "Rate and Method of Apportionment"). Each of the components of the special taxes (being the One-Time Facilities Special Tax and the Annual Maintenance Special Tax, all as defined in Exhibit A) is levied commencing in Fiscal Year 2007-2008, and in each Fiscal Year thereafter until the date at which such component of the special taxes may no longer be validly levied.

SECTION 3. The District Administrator is authorized and directed each Fiscal Year to determine the special taxes to be levied for the next ensuing Fiscal Year for each parcel

of real property within the District, in the manner and as provided in the Rate and Method of Apportionment. The District Administrator shall deliver a certified copy of the Ordinance to the Auditor - Controller of the County of Stanislaus, and for each year, commencing Fiscal Year 2007-2008 for which the special taxes will be validly levied, appropriate documentation related to the placement of such special taxes on the Stanislaus County tax roll.

SECTION 4. Properties or entities of the State, federal or local governments are exempt from the levy of the special taxes to the extent set forth in the Rate and Method of Apportionment. In no event shall the special taxes be levied on any parcel within the District in excess of the maximum taxes specified in the Rate and Method of Apportionment.

SECTION 5. All of the collections of the special taxes shall be used as provided for in the Act and the Resolution of Formation.

SECTION 6. The Annual Maintenance Special Tax shall be collected on the secured real property tax roll in the same manner as ordinary *ad valorem* taxes are collected. These special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent tax payments of those special taxes. The District Administrator is authorized and directed to provide all necessary information to the Treasurer-Tax Collector of Stanislaus County and to otherwise take all actions necessary in order to effect proper billing and collection of these special taxes, so that these special taxes are levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of the District in each Fiscal Year.

Notwithstanding the foregoing, the District Administrator may collect one or more installments of such special taxes by means of direct billing of the property owners within

the District if, in the judgment of such officer, such means of collection will reduce the burden of administering the District or is otherwise appropriate in the circumstances. In such event, those special taxes will become delinquent if not paid when due as set forth in any such billing to the property owners.

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within the District, and shall be immediately delinquent if not paid.

SECTION 7. If for any reason any portion of this Ordinance is found to be invalid or any component of the special taxes is found to be inapplicable to any particular parcel within the District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the other components of the special taxes to that parcel, and the application of the special taxes to the remaining parcels within the District, shall not be affected.

SECTION 8. This Ordinance shall be effective after thirty (30) days from its final passage and adoption.

SECTION 9. At least two (2) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of October, 2007, by Councilmember Dunbar, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Keating, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Olsen

APPROVED:   
MAYOR JIM RIDENOUR

ATTEST:   
JEAN MORRIS, City Clerk

Effective Date: November 8, 2007

ORDINANCE NO. 3457-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2331-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION 30-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(373), PROPERTY LOCATED NORTH OF ELM AVENUE AND WEST OF EMERALD AVENUE (STEINPRESS DEVELOPMENT)" (MODESTO EMERALD VILLAGE, LLC)

SECTION 1. AMENDMENT OF ORDINANCE NO. 2331-C.S. Section 2 of

Ordinance No. 2331-C.S., is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(373) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. 37 for sale detached townhouse units."

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2007, by Councilmember Dunbar, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Council members: None

ABSENT: Council members: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3457-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of November 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED: 

MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: December 7, 2007



ORDINANCE NO. 3458-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 3342-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(454), TO PLANNED DEVELOPMENT ZONE, P-D(564), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF BRIGGSMORE AVENUE AND OAKDALE ROAD. (SOELLING)". AS AMENDED BY ORDINANCE NO. 3424-C.S. (BRANDVOLD)

SECTION 1. AMENDMENT OF ORDINANCE NO. 3342-C.S. Section 2 of Ordinance No. 3342-C.S., as amended by Ordinance No. 3424-C.S. is hereby further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(564) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Buildings B, C, D and E – Retail and Office uses as permitted in the C-1 Zone, excluding convenience stores/mini-markets.
2. Building A - Restaurant as permitted by the C-2 Zone."

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the

City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Hawn, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: Dunbar, Keating, O'Bryant

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3458-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of November, 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED:



MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: December 7, 2007



ORDINANCE NO. 3459-C.S.

AN ORDINANCE AMENDING SECTION 29-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(582), PROPERTY LOCATED AT 1324 J STREET. (HUFF CONSTRUCTION)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from General Commercial Zone, C-2, to Planned Development Zone, P-D(582):

C-2 to P-D(582)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Lots 1 thru 7 in Block 106 as shown on that Map of City of Modesto Block 106 filed in Volume 15 of Maps, Page 106, Stanislaus County Records; and

also including those portions of the southwesterly half of 14<sup>th</sup> Street, the southeasterly half of J Street, and the northeasterly half of the alley, being immediately adjacent to the above described property and extended to the intersections of said streets and alley.

SECTION 2. USES. The following uses shall be permitted in said P-D(582) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. General Commercial (C-2) uses; and
2. Residential Condominiums.

SECTION 3. ZONING MAP. Section Map 29-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.


SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2007, by Councilmember Dunbar, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By:   
Community & Economic Development  
Department – Planning Division

Ord. No. 3459-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of November, 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

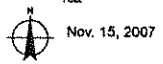
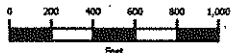
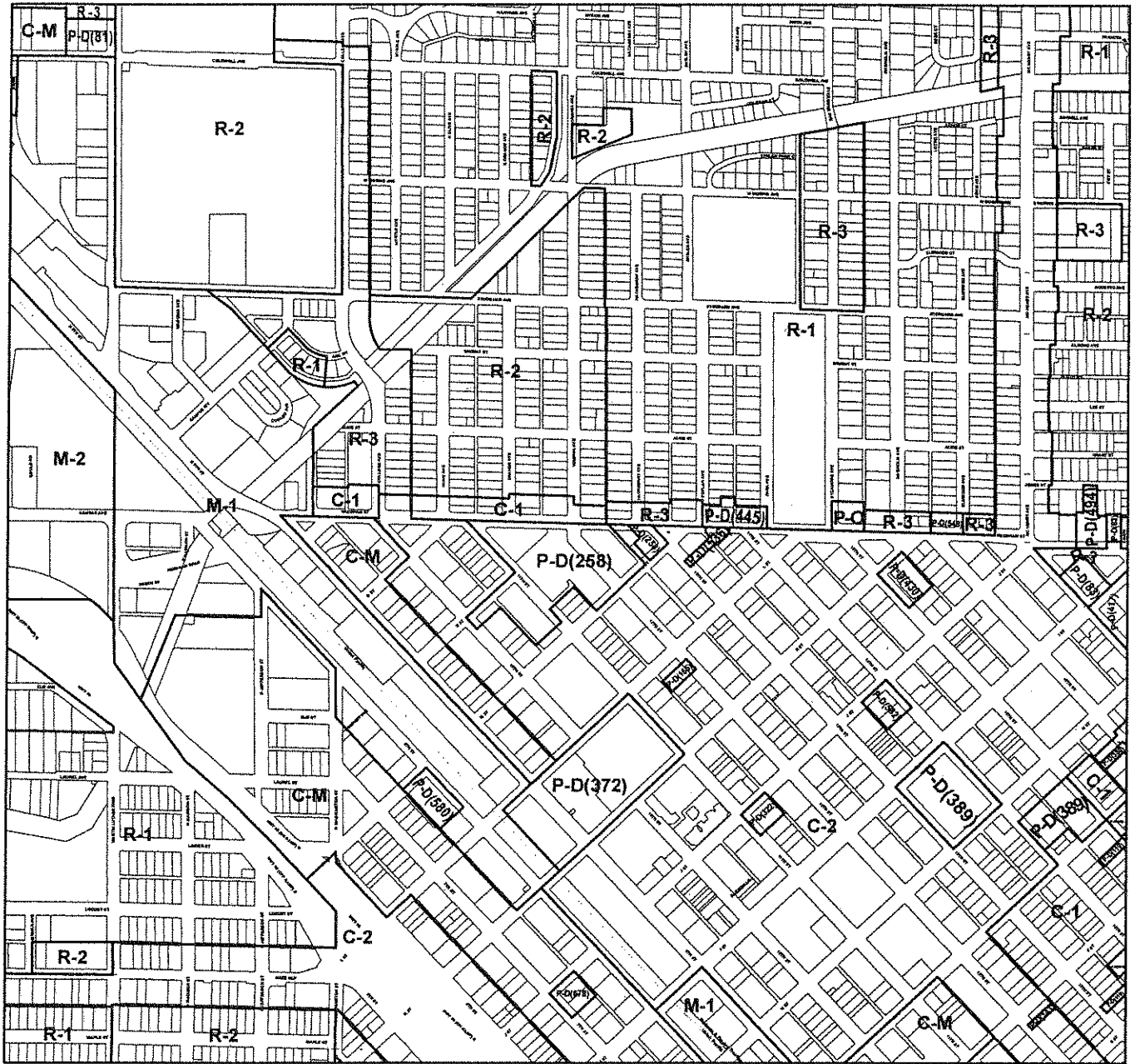
APPROVED:

  
MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: December 7, 2007



# City of Modesto Zoning Map 29-3-9



ORDINANCE NO. 3460-C.S.

AN ORDINANCE AMENDING SECTION 31-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE P-D(581), PROPERTY LOCATED AT THE EASTERN END OF HOUSER LANE (HABITAT FOR HUMANITY)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(581):

R-3 to P-D(581)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Parcel B as shown on that Parcel Map Recorded in Volume 53 of Parcel Maps, Page 2, Stanislaus County Records on July 19, 2004.

SECTION 2. USES. The following uses shall be permitted in said P-D(581) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. To allow development of a 20-unit single family residential subdivision.

SECTION 3. ZONING MAP. Section 31-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2007, by Councilmember Hawn, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
JIM RIDENOUR, Mayor

ATTEST:

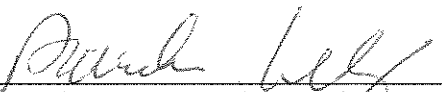
By:   
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By:   
Community & Economic Development  
Department – Planning Division

Ord. No. 3460-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of November, 2007, Councilmember Dunbar moved its final adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED:



MAYOR JIM RIDENOUR

ATTEST:

  
JEAN MORRIS, City Clerk

Effective Date: December 7, 2007